

Edward Brassey, of Montana, to be register of the land office at Lewistown, Mont., his present term having expired. (Reappointment.)

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont., a new office created by the act of April 28, 1902, to fill an original vacancy.

RECEIVERS OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., vice William Q. Ranft, term expired.

C. H. Benton, of Montana, to be receiver of public moneys at Great Falls, Mont., a new office created by the act of April 28, 1902, to fill an original vacancy.

Louis W. Eldridge, of Montana, to be receiver of public moneys at Lewistown, Mont., his present term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1902.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Julius O. Cobb, of South Carolina, to be a surgeon in the Marine-Hospital Service of the United States, to rank as such from April 20, 1902.

APPOINTMENTS IN THE ARMY.

Infantry Arm.

Nelson Read Johnson, of the District of Columbia, to be second lieutenant, February 2, 1901.

Post Q. M. Sergt. Staley A. Campbell, United States Army, to be second lieutenant, February 2, 1901.

Artillery Corps.

Alphonse Strebler, of New York, first lieutenant, Philippine Scouts, late sergeant, Company I, Forty-third Infantry, United States Volunteers, to be first lieutenant, September 23, 1901.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. Edmund Rice, Second Infantry, to be colonel, May 5, 1902.

Lieut. Col. Charles G. Penney, Twenty-third Infantry, to be colonel, May 9, 1902.

Maj. Willis Wittich, Twenty-first Infantry, to be lieutenant-colonel, May 5, 1902.

Maj. William H. W. James, Twenty-third Infantry, to be lieutenant-colonel, May 9, 1902.

Capt. James B. Goe, Thirteenth Infantry, to be major, April 15, 1902.

Capt. Hunter Liggett, Fifth Infantry, to be major, May 5, 1902.

First Lieut. Henry M. Dichmann, Seventh Infantry, to be captain (subject to examination required by law), April 15, 1902.

First Lieut. Halstead Dorey, Fourth Infantry, to be captain, May 5, 1902.

First Lieut. Edward A. Roche, Fifteenth Infantry, to be captain, April 14, 1902.

First Lieut. William M. Fassett, Fifth Infantry, to be captain, April 14, 1902.

Quartermaster's Department.

Maj. John W. Pullman, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, May 5, 1902.

Capt. Carroll A. Devol, quartermaster, to be quartermaster with the rank of major, May 5, 1902.

POSTMASTERS.

James C. Tyrrell, to be postmaster at Grass Valley, in the county of Nevada and State of California.

Jacob B. Mathews, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico.

Austin Young, to be postmaster at Randsburg, in the county of Kern and State of California.

Will S. Fornshell, to be postmaster at Camden, in the county of Preble and State of Ohio.

Ansel T. Simmons, to be postmaster at Geneva, in the county of Ashtabula and State of Ohio.

Frederic B. Taylor, to be postmaster at South Orange, in the county of Essex and State of New Jersey.

Melancthon B. Everitt, to be postmaster at Payne, in the county of Paulding and State of Ohio.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio.

Charles A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio.

James H. Rabbitts, to be postmaster at Springfield, in the county of Clark and State of Ohio.

Leonidas Conover, to be postmaster at Covington, in the county of Miami and State of Ohio.

Frank E. Britton, to be postmaster at Jonesboro, in the county of Washington and State of Tennessee.

EXCHANGE OF PUBLICATIONS.

The injunction of secrecy was removed from the following convention, which was ratified by the Senate May 16, 1902:

A convention relative to the exchange of official, scientific, literary, and industrial publications, signed at the City of Mexico on January 27, 1902, by the delegates of the American Republics to the Second International Conference of American States.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 16, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ROSECRANS CEREMONIES.

The SPEAKER laid before the House the following appointment:

The Clerk read as follows:

Member of the committee at the Rosecrans ceremonies: Mr. HOOKER, of Mississippi.

The SPEAKER. This is to take the place of our late colleague, Mr. Cummings.

DISPOSITION OF PUBLIC LANDS IN PORTO RICO.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to make, within one year after the approval of this act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: Provided, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President under the provisions of this act.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, I would like to know if this is a unanimous report from the committee?

Mr. CRUMPACKER. It was reported from the committee by unanimous vote.

Mr. UNDERWOOD. Will the gentleman from Indiana explain the object of this bill?

Mr. CRUMPACKER. Mr. Speaker, the situation in relation to this measure is this: At the time of the negotiation of the treaty of Paris there were public lands in the island of Porto Rico amounting to about 104,000 acres, lands mainly in the interior of the island, away from railroads and highways, lands of a mixed character, some of them classed as brush lands, some as mountainous, and some as swamp lands. Considerable portions of the lands are capable of reclamation, and will make a fair quality of farming land. In addition to this, on the island of San Juan, on which the city of San Juan is located, there are about 150 acres of public lands which are badly needed for municipal purposes, but the title is in such condition that they can not be utilized.

There is a pressing necessity for such disposition of the land on the island of San Juan that such portions of it as are not needed for public use may be used for the extension of the city. There is not a single vacant lot in the city of San Juan in private ownership to-day. A large portion of that island is held by the public, and is not needed nor being used for any public purpose.

The law does not confer upon the Secretary of the Interior any authority over the public lands in the island at all. In his report this last year he recommended that some supervision or control be given him; that he be authorized to survey and classify the lands, and in pursuance of that recommendation early in the session I introduced a bill putting the control of the lands under the Secretary of the Interior and directing him to survey and classify them and proceed to reclaim the possession of those that were held by occupants without right and to protect the title thereto. On investigation it was thought by the Committee on Insular Affairs, in view of the character of the land, that it would be unwise to put them under the control of the Secretary of the Interior;

that the cost of survey and classification would be more than would ever be realized from their sale.

The governor of Porto Rico was communicated with by the Secretary of the Interior, and he sent the commissioner of public works here to represent the interests of the people of the islands. The commissioner made a statement before the Committee on Insular Affairs, and, after a full hearing and a careful investigation of the question, the committee decided that it was not the policy of this Government to appropriate to its own use any of the public lands in Porto Rico, but that the revenues of the lands ought to be given to the people of the island; and the judgment of the committee was that all the lands not needed for public purposes should be granted to the insular government, to be held or disposed of for the benefit of the people of the island.

Mr. LACEY. Mr. Speaker, will the gentleman yield a moment?

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. CRUMPACKER. I yield.

Mr. LACEY. I would like to call the attention, in this connection, of the gentleman to the fact that we have a commissioner from Porto Rico, who ought to be on the floor of the House now, from whom we might inquire as to the situation, but is denied the privilege of the floor, and who has to stay around in the corridors. I would like to get his views about this bill. Of course, as a commissioner he could not make a speech, but there is a resolution now pending allowing him to come on the floor to look after the legislation he is interested in, and in that connection I only call the attention of the Chair to this difficulty. I would like to ask the gentleman whether the commissioner has been consulted about this bill; whether it meets his approval.

Mr. CRUMPACKER. I am glad to be able to say to the gentleman from Iowa that the commissioner from the island of Porto Rico appeared before the Committee on Insular Affairs and made a full historical statement in relation to the title and the condition of the public lands in the island, and he took the position that the title was, in equity, in the province of Porto Rico at the time of the cession of that island to the United States, and therefore never passed to the United States Government under the treaty of Paris.

Mr. LACEY. I would like to ask the gentleman a further question.

The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. Yes.

Mr. LACEY. I would like to inquire of my friend from Indiana as to whether a considerable portion of this public land is not now in the occupation of squatters—settlers—and whether any arrangement has been made to protect the rights of those men, who have perhaps been occupying this land for generations?

Mr. CRUMPACKER. It is impossible to say how much of the public lands of Porto Rico may be occupied now by what are known as squatters, because no one knows the boundaries, the extent, and the exact location, and no one knows how many of the old Spanish land grants have been forfeited and how many men are asserting titles that are unfounded.

Mr. LACEY. I would like to ask the gentleman a still further question, if he does not think there should be some provision under this bill that will protect the rights of these long-time native settlers there?

Mr. CRUMPACKER. We concluded that that authority could safely be vested in the government of the island. They are on the ground and know the situation, and will be required to undergo the expense necessary for the reclamation, the surveying of the land, and the perfecting of the titles, and we thought it entirely safe to vest in the insular government the power to take care of the equitable rights of the squatters.

Now, there is another aspect of this question that I beg to call to the attention of the House, and that is the question of title. The inhabitants of the island of Porto Rico insist that away back in 1808, at the time the Spanish Government changed from an absolute monarchy into a constitutional government and established an independent treasury for the province of Porto Rico, in effect, though not expressly, the Crown of Spain yielded and ceded all of the public lands in the island to the provincial government, and that the Government of Spain never attempted to exercise any authority over the lands from that time until the American conquest.

Now, it was the judgment of the committee that by authorizing the President of the United States to reserve all of the land on the island that he might deem necessary for military posts, for naval stations, and for other public purposes, within a year after the date of the passage of the act, and ceding the balance of the lands to the island, to be held for the benefit of the people, all the questions of ownership and title would be satisfactorily disposed of. For the protection of this Government we require as a condition to the operation of our grant that the insular government shall release to the United States any claim it may have

upon the lands or the buildings that the President shall reserve under the authority conferred upon him by the terms of this bill.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question? Does this bill now cede any rights we may have over that land to the people of Porto Rico or the government of the Territory of Porto Rico, or does it merely authorize the President to make the selections? Is that as far as you go in this bill?

Mr. CRUMPACKER. This bill authorizes the President to reserve such public lands as he may deem necessary for military, naval, marine hospital, and other public purposes.

Mr. UNDERWOOD. And goes no further than that?

Mr. CRUMPACKER. And then it expressly grants all the other public lands—all the lands not so reserved—to the government of Porto Rico, to be held or disposed of for the benefit of the people of the island, on condition that they release to the United States any claim they may have upon the lands reserved by the President under the provisions of the act.

Mr. UNDERWOOD. Did the Insular Committee, when this bill was before it, consider the question of leaving the public lands there open to homestead entry in the future?

Mr. CRUMPACKER. Yes, sir. That question was discussed by the committee; but in view of the fact that there are only about 104,000 acres of land—generally of a mountainous character—and in view of the large expense that might be entailed, we thought it wise to remit the whole question to the insular government. We concluded that it could perhaps handle the question and dispose of it in a way more satisfactory to the interests of all concerned than we could do, because of our limited knowledge of the subject.

Mr. UNDERWOOD. That was the unanimous conclusion of the Committee on Insular Affairs?

Mr. CRUMPACKER. It was; and it is the unanimous judgment of the committee that this bill ought to pass at once—that there is a pressing necessity for its passage.

The SPEAKER. Is there objection?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRUMPACKER. I move that House bill 5823, for which the bill just passed was substituted, lie on the table.

The SPEAKER. Without objection that order will be made.

There was no objection.

ROAD TO NATIONAL CEMETERY, DOVER, TENN.

Mr. GAINES of Tennessee. I ask unanimous consent for the present consideration of the bill (S. 89) to construct a road to the national cemetery at Dover, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$11,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a macadamized road, or a road partly of gravel and partly of stone, from the river landing or its vicinity, in the town of Dover, Tenn., to the national cemetery near Old Fort Donaldson: *Provided*, That the right of way, not less than 50 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. GAINES of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF TAXES ON LEGACIES, ETC.

Mr. McCALL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 13204) was read, as follows:

A bill to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898.

Be it enacted, etc., That the Secretary of the Treasury, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the corporations, associations, or societies, such sums of money as have been paid by them as taxes upon bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or legacies or bequests to societies for the prevention of cruelty to children, under the provisions of section 29 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

The amendments reported by the Committee on Ways and Means were read, as follows:

In line 3, after the word "Treasury," insert "under appropriate rules and regulations to be prescribed by him."

In line 6 strike out the word "or."

In line 6, after the word "societies," insert "or individuals as trustees or executors."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CLAYTON. I should like to hear an explanation of the bill.

Mr. McCALL. Mr. Speaker, this bill was referred to the Committee on Ways and Means, and that committee, after considering it, thought it a wise bill to be reported. While the war-revenue act would bear the construction that taxes should be imposed on legacies to hospitals, schools, libraries, and the charities of the country generally, yet I think I venture nothing in saying that there was no man in either House who contemplated that result from that act. The taxes imposed under that act were not merely the amount imposed in cases where the legacy was left to a brother or equally near relative, but in cases where the property passed to persons remote in blood, and to strangers in blood. That is to say, the highest tax was imposed upon charitable legacies, amounting in some cases, I think, to 15 per cent.

The Commissioner of Internal Revenue furnished to the chairman of the Committee on Ways and Means a statement of the various legacies on which this tax had been paid, and if any gentleman will look at this list he will have a very good general view of the charitable and educational work of the country.

Let me say further, as bearing upon our intention, that the very first thing repealed when we dealt with the war-revenue act was this taxation upon legacies to charitable and religious institutions and other institutions of that kind.

I have included in the report which I have made in this case on behalf of the Committee on Ways and Means a list of the taxes which have been paid, embracing such institutions as the Pacific Hebrew Orphan Asylum, of California, the Berkeley Divinity School, of Connecticut, the Home for Aged Sisters of the Poor, of Connecticut, the colleges and city libraries, the lying-in hospitals, charitable eye and ear infirmaries, homes for aged men, homes for aged women, etc. This tax we levied remorselessly upon those institutions which it has always been the policy of our laws to spare.

Mr. CLAYTON. Has not the Commissioner of Internal Revenue held that this tax would be against the estate of the deceased person and not against the legatee?

Mr. McCALL. The tax was imposed upon the legacies, and in many cases it came out of the legatees.

Mr. CLAYTON. Did not the Commissioner make some ruling of that sort?

Mr. McCALL. He could not make such a ruling, because the tax was imposed upon the legacies. In some cases, I will say, the executors or trustees sustained a portion of the tax, but it was recouped from the legacies; in a great majority of cases it was paid from the legacies. I called that matter to the attention of the committee, and after considering it we thought it wise to refund all of the taxes, no matter whether they were paid by individuals or by whom, upon these charitable legacies. We did not believe it was the intention of the Government of the United States to go down into the contribution boxes of the country. We thought that that money burned in the National Treasury and that the vindication of our national character required that it should be refunded. And while there was a difference of opinion in the committee as to some amendments, as I understand it, the committee were unanimously in favor of reporting the bill.

Mr. CLAYTON. May I ask the gentleman one more question?

Mr. McCALL. Certainly.

Mr. CLAYTON. This measure met the unanimous approval and judgment of the Committee on Ways and Means, did it?

Mr. McCALL. As I understand it, the committee were unanimously for it. As I said, one gentleman suggested a certain amendment which was not thought wise to be adopted.

Mr. RICHARDSON of Tennessee. It was the unanimous action of the committee. They were all in favor of the bill.

Mr. CLAYTON. I am entirely satisfied with the explanation.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCALL, a motion to reconsider the last vote was laid on the table.

LAND GRANTS TO NEW MEXICO.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes."

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 10 of an act approved June 21, 1898, entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," is amended by adding at the end of the said section the following:

"Provided, That timbered lands may be sold in tracts of not to exceed 25,000 acres to any one person, corporation, or association of persons."

The following amendment, recommended by the Committee on the Public Lands, was read:

In line 8 strike out all after the word "Provided" and insert in lieu thereof the following:

That timber upon land referred to in this section be sold, in tracts not to exceed 25,000 acres to any one person, corporation, or association, for the highest and best price obtainable, under such rules and regulations as may be prescribed by the board of public lands or the legislative assembly of said Territory.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SIMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SIMS. On last Monday, May 12, the gentleman from Wisconsin [Mr. JENKINS], in his remarks on what was called the gas bill, made use of the following language:

It—

That is, the bill—

was carefully considered. Every man on that committee knew all about it, and my friend from Missouri and my friend from Tennessee [Mr. SIMS] will join me in saying that for three months they have stayed out of church and Sunday school to hunt up villainous objections to this proposition, that they ought not to find fault with, or less fault with, because we have taken this matter up and asked for prompt consideration.

Mr. SIMS. Mr. Chairman, let me make just this suggestion: If there is anything on earth that would justify a man in staying away from Sunday school and church it would be to fight such a bill as this. [Prolonged laughter.]

Mr. JENKINS. I know my friend abhors a corporation.

Mr. SIMS. Oh, no.

Mr. JENKINS. And I appreciate it. I know he is absolutely afraid of everything that has corporate qualities, but yet when I invited him in a previous Congress to put these corporations under his control, he voted against it. He is only consistent when he is voting for the Methodist Church to rob the Treasury of the United States.

Mr. Speaker, I was present when the gentleman made the statement, but I did not fully understand it, and that is the reason I did not make any reply at the moment. After I read the RECORD and found what the remark was, I felt that I could not afford to let the matter pass unnoticed. The gentleman says I am only consistent when I am voting for the Methodist Church to rob the Treasury of the United States. I know of no bill which has been before this House in which the Methodist Church was interested except what was known as the Methodist Book Concern bill, which was to pay the publishing house of the Methodist Episcopal Church South \$288,000 for the use of its publishing house during the war between the States. I worked and voted for that bill conscientiously, because I thought it was a just and honest measure, as the proof before the committee and the report of the committee showed.

Mr. SHATTUC. May I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Just let me finish my statement and then I will be glad to answer any question.

While that bill was pending before the House a rumor became somewhat current that a gentleman who was here working for the bill was to receive a large fee, one-third of it. I at once spoke to the gentleman, Mr. E. B. Stahlman, about it, and he said he had no interest in the claim except as a member of the church and as a friend of Barbee & Smith. My distinguished colleague [Mr. GAINES of Tennessee] who introduced that bill spoke to me about it. He said there was absolutely no truth in the rumor, that Messrs. Barbee & Smith, the agents of the book concern, had so assured him. In corroboration he showed me a letter of Barbee & Smith, a part of which is as follows:

Mr. Stahlman, who, in connection with a large number of other matters, has been giving our matter some attention, will be in Washington again in the next few days, and he will be glad to talk to you about the matter.

With Mr. GAINES'S statement corroborated by the letter he showed me from Barbee & Smith, the trusted agents of the Methodist Episcopal Church South, which said that Mr. Stahlman was here, and, in connection with a large number of other matters, was giving their matter some attention, I had no doubt of the truth of the statement of Mr. GAINES and Mr. Stahlman. It turned out that Mr. Stahlman had at that time a contract from the Book Agents to get 35 per cent of this claim, amounting to over \$100,000. If he was worth that much when giving their matter only "some attention," what would his services have been worth if he had given it special attention? Therefore I worked and voted for the passage of that bill, believing it was honest, and that no fee was to be paid to any living mortal in behalf of this charitable work.

On the 31st of May, 1898, there appeared an item in the Washington Post that Mr. Stahlman was to be paid a fee of 35 per cent

of the claim. I did not believe a word of it. But I wrote the following letter to Messrs. Barbee & Smith:

WASHINGTON, D. C., May 31, 1898.

MESSRS. BARBEE & SMITH,
Agents, Nashville, Tenn.

DEAR SIRS: Inclosed find clipping from the Washington Post, which speaks for itself. Please give me a full statement as to the amounts paid Stahlman or anyone else. I want such a statement as can go into the RECORD. The investigation by Congress is almost certain to follow. If these rumors are true as to paying Stahlman or any number of persons 35 per cent of this claim, every cent of the \$288,000 ought to be paid back to the United States.

No honorable use could have been made of so large a sum in securing the passage of the bill. This was no case of an ordinary claim of an individual before the Court of Claims in which large conditional fees are paid, but it was a sacred trust fund to be devoted to charitable purposes. Both Major Stahlman and Colonel Baker claimed that no commissions or percentage of this claim were to be paid to anyone, and upon that authority I assured many members that the rumor that had obtained to that effect was not true. It would have been impossible to have secured the passage of the bill had not such assurances been given. Members were deceived and caused to vote for the bill in this way, and they feel that the wrong should be righted and the Treasury placed in statu quo.

There is a cloud of scandal now hanging like a black pall over the Dome of the Capitol. I hope you will do all you can to remove it.

Yours, truly,

T. W. SIMS.

I got no answer for about ten days—about fourteen days, in fact—when the following letter was received from Messrs. Barbee & Smith:

NASHVILLE, TENN., June 10, 1898.

HON. T. W. SIMS,
Member of Congress, Washington, D. C.

SIR: Your letter of May 31 came to hand by due course of mail. It was couched in such extraordinary language and contained so many unwarrantable insinuations and demands that we have been debating in our minds whether or not you were entitled to any reply whatever; and now that we are promised an investigation by a Congressional committee of all the facts relating to the payment of our claim we have concluded to refrain from saying anything until this investigation shall have been had. When the investigation is completed, we shall give you such an answer as the facts and circumstances of the case demand. We shall probably do so at a later period, whether the investigation is had or not.

Respectfully,

BARBEE & SMITH, *Book Agents.*

This is the reply I got to the request for a letter giving the information asked for that should go into the RECORD. The subsequent letter, that was to follow, has never reached me. I submit, Mr. Speaker, to this House that my letter, written upon the very first intimation I had that such a fee contract had been entered into, required in good faith the return of every dollar of the appropriation, does not justify the gentleman in saying that "I showed my consistency only when I voted for the Methodist Church to rob the Treasury of the United States." I say to the membership of this House that if I have ever given any other vote on a Methodist Church bill I do not remember it. I believe that the claim was just and honest, and that it ought to have been paid; but rather than see the church approve such methods, I thought it ought to be paid back.

I want to say, Mr. Speaker, that I think the membership of that great church are as pure, as good, as honest, as pious as any body of people upon the face of this green earth. I believe that the widows and orphans of that church to-day would out of their mites contribute a sufficient fund to deliver every dollar back to the Treasury rather than indirectly profit by the methods which were pursued in order to obtain the passage of the bill. I hope we will never hear of this matter again; but if the gentleman from Wisconsin, who has made this charge, or anyone else, will introduce a resolution or bill to have that money paid back, I will vote and work for it, not that I think that the claim was not a just one, but for the moral effect it will have on the church. The church was in no sense responsible for what was done, and have been exonerated by the Senate after full investigation. I again deny that the Methodist Episcopal Church South has ever directly or indirectly robbed the Treasury of the United States, and all such charges are false, absolutely false.

Mr. MAHON. Mr. Speaker—

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. GAINES of Tennessee. I hope the gentleman from Pennsylvania will indulge me; this is somewhat of a matter of personal privilege.

The SPEAKER. Does the gentleman from Tennessee rise to a matter of personal privilege of his own?

Mr. GAINES of Tennessee. I do.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Mr. Speaker, my very honorable colleague states that he based his vote and action in this Methodist Church matter upon information received from me and from a letter that was directed to me by the book agent of that concern, and I desire to state this, that I had the utmost faith, the utmost confidence, in the gentlemen, Messrs. Barbee & Smith, who informed me—

Mr. PAYNE. Mr. Speaker, there is no question of personal privilege stated by the gentleman from Tennessee.

The SPEAKER. The point of order made by the gentleman from New York is well taken.

Mr. GAINES of Tennessee. I hope the Chair will indulge me—

The SPEAKER. The gentleman from Tennessee will suspend. The Chair has stated that the point of order has been made that this is not a question of personal privilege. If the gentleman has a question of personal privilege he may proceed, but if not public business is not to be interfered with in this manner.

Mr. GAINES of Tennessee. Then I ask unanimous consent to make a statement of three or four minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I exceedingly regret that the gentleman from Wisconsin [Mr. JENKINS] should have said of my colleague [Mr. SIMS] that "he is only consistent when he is voting for the Methodist Church to rob the Treasury of the United States." In explaining his relation to the passage of the bill providing for the payment of this claim my colleague states that he based his support of the measure upon information received from me and from the letter which has just been read, written me by Messrs. Barbee & Smith.

Now, I desire to say that the claim is entirely meritorious, as I will show later on, and which I demonstrated when the matter was pending in the House. I introduced the bill for its payment which became the law.

The information which I had in reference to the payment of this large fee to Major Stahlman was received from Messrs. Barbee & Smith in person, while the letter they wrote me led me to believe, very naturally, that Major Stahlman was in Washington on other business, which was the case, I then thought and still think, and that he would incidentally, or as a friend of the church, aid in the passage of this bill.

Messrs. Barbee & Smith stated to me that Major Stahlman was to receive no compensation for his services, and Major Stahlman said to me himself, and to many others of Congress, that he was not to receive one cent for his services.

Relying upon this information, it was natural for me and proper to repel the charge that this huge fee was to be paid Major Stahlman. I had known Dr. Barbee a number of years; he was my neighbor; he had been the pastor of the church I attended, officiated at my marriage and at the burial of several of my people, while Mr. Smith was my Sunday-school superintendent.

I relied implicitly upon what they in person said to me, and on what they wrote me in this letter, and I submit, Mr. Speaker, if I can not rely upon men of this class, of men whom I knew to be honorable and upright, upon whom could I rely or should rely?

When I received this letter from Messrs. Barbee and Smith, I determined to lay aside, as I did, my personal feeling toward Major Stahlman, entertaining as I did no friendly feeling for him. He is a distinguished Republican, living in my district, who had bitterly opposed my election to Congress, as did the newspaper which he owns, an Administration sheet, I may add.

But I laid all this aside and did all I could honorably for the passage of this bill. I saw Major Stahlman almost daily, as we boarded at the same hotel. But at no time did he tell me that he was to be paid any fee.

I knew he was in Washington often, and I thought was then on some railroad business pending in Washington, and I naturally believed that his offices in the matter were purely as a friend of the church.

I knew his family were members of the Methodist Church at Nashville, and that he affiliated with that church, and hence, as he said, he was working for the payment of this claim.

These facts alone, laying aside the letter of Messrs. Barbee and Smith, naturally led me to believe that his action in the matter was because he was a friend of the church.

I have given twice a statement of my entire history with the passage of this bill. I did so under oath, once before the Senate committee and recently in a deposition. My record in the matter I gladly gave the public when called on to do so. It is open for everyone to read, and I reaffirm here all that I have stated in these two statements.

Had I known that this enormous fee was to be paid Major Stahlman, or anyone else, for lobbying for this claim before Congress I would not have voted for the passage of the bill, and I certainly would not have misled my friends—the members of Congress—in the manner that I did when they asked me if the charge that this fee was to be paid was true and I said to them that there was no truth in the charge. I was misled, as you must see, and I am grieved that I misled my friends—members of Congress.

Now, a moment as to the merits of the claim. The United

States Army while in Nashville used and consumed an immense amount—about \$480,000 worth—of property of the Methodist Episcopal Church South. The amount paid by Congress was \$288,000. Gen. Clinton B. Fisk said this was a just claim. He, I think, was in Nashville when this property was taken.

Maj. A. W. Wills, a Republican, who was in Nashville at the time this property was taken, and who is now and has been several times the postmaster at Nashville, espoused this measure. Indeed, he was very active in its support.

The Hon. John C. Houk, a Republican, once a member of this House, indorsed it. So did Capt. J. W. Baker, a leading Republican of Nashville, and so have many other leading Republicans, as well as Democrats. The bishops of both branches of the Methodist Church indorsed it, including the colored bishops. I could give you a list as long as my arm of leading men whose names appear here in the RECORD containing the debate on this bill when pending in the House. The claim was absolutely meritorious. The history of the claim is odious now because of the deception practiced in procuring its passage, as I have stated, and as the Senate hearings on this matter clearly disclose. I thank the House for the opportunity granted me for making this statement.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I submit a conference report on the omnibus claims bill, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, having met, after a conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 2, and agree to the same.

That the committee report a disagreement to the Senate amendment numbered 1.

THAD. M. MAHON,
HENRY R. GIBSON,
T. W. SIMS,

Managers on the part of the House.

F. E. WARREN,
WILLIAM E. MASON,
H. M. TELLER,

Managers on the part of the Senate.

Mr. MAHON. I ask to have the statement read, Mr. Speaker.

The Clerk read the statement, as follows:

Statement of House conferees to accompany report of conference committee on the bill (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

That there is a practical agreement to everything except to the Selfridge board claims. Upon this part of amendment Senate refused to recede, and House conferees, obeying instructions of House, no free conference could be had in relation to same in order to bring the two Houses together.

The SPEAKER. The question is on agreeing to the report.

Mr. UNDERWOOD. I would like the attention of the gentleman from Pennsylvania [Mr. MAHON] for a moment. As I understand, this report merely agrees to Senate amendment No. 2, which affects the title, and otherwise it reports a disagreement?

Mr. MAHON. Yes, sir.

Mr. UNDERWOOD. I have no objection.

The report was agreed to.

Mr. MAHON. I now ask that the House further insist on its disagreement and ask a further conference.

The SPEAKER. The gentleman from Pennsylvania moves that the House further insist on its disagreement to the amendment of the Senate, and asks a new conference. Is there objection to this request?

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania has either the right to ask unanimous consent or make the motion. Which does he do?

Mr. MAHON. I make the motion.

The SPEAKER. The question then is on the motion of the gentleman from Pennsylvania, that the House further insist on its disagreement and ask a further conference.

Mr. UNDERWOOD. Mr. Speaker, I wish to make a parliamentary inquiry. When this motion is adopted, will it, under the practice of the House, vacate the former instructions to the conference committee?

The SPEAKER. If this motion is carried, it would.

Mr. UNDERWOOD. It would leave the conferees uninstructed?

The SPEAKER. It would leave them uninstructed.

Mr. UNDERWOOD. Then I will ask the Chair to recognize me later to further instruct the conferees.

The SPEAKER. The question is now on agreeing to the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the House further insist on its former instructions to the conferees in reference to the Selfridge board claims.

The SPEAKER. The Chair is not clear as to the motion made by the gentleman.

Mr. UNDERWOOD. Mr. Speaker, several days ago the House—

The SPEAKER. The Chair understands that. Will the gentleman please state his motion?

Mr. UNDERWOOD. I move again, Mr. Speaker, that the House instruct the conferees on this bill not to agree to any of the items of the Senate amendment relating to the Selfridge board claims.

The SPEAKER. The gentleman moves to instruct the conferees not to agree to what is known as the Selfridge board amendment.

Mr. MAHON. Mr. Speaker, I want to be very frank with the House. The conferees recognize their duty to take the House into their confidence. There is a practical agreement, or will be, as to the balance of this bill. Now, to impose ironclad instructions upon the conferees means no conference whatever. I will be frank with the House and say that the conferees discussed the different phases of this matter—whether we should cut these claims as we did in the Fifty-fifth Congress, making a reduction of them, or whether they should be referred to the Court of Claims, or whether some other disposition should be made of them. These different propositions were talked over in the conference; but we were obliged to say to the Senate conferees: "Our hands are tied; we can not have any conference on this question whatever."

Now, Mr. Speaker, I think this House can trust these conferees. I believe that we can come to a conclusion finally that even the gentleman from Alabama [Mr. UNDERWOOD] will be pretty well satisfied is right. I think the House and Senate conferees can reach such a result. I can say for the House conferees that they have no idea except to treat the House fairly and give it every opportunity to carry out its will in this matter. The three conferees on the part of the House have been members of this House for a long time, and no man will charge that either of them would take any unfair advantage of the House. But if the motion of the gentleman from Alabama be adopted, this report will probably come back to the House in the same shape as it leaves it. I ask, Mr. Speaker, that the motion be voted down, that the conferees may be left to a free conference, so that we can come back and make a report to the House. It may be a tentative report; we may come back and ourselves ask instructions. But what is the use of appointing conferees and then not allowing them to confer? We have got to fix this bill up. We might as well face the issue.

So far as I am personally concerned, there is not a dollar involved here affecting anyone in my district or within 100 or 500 miles of it. I am one of those men who stand on this floor and exercise their convictions regardless of the consequences either to their constituents or to themselves.

Of course, whatever this House will instruct the conferees will carry out; but it is merely playing with the question to instruct them in this way. If such instructions be adopted, all we can do is simply to say to the Senate conferees, "We can not confer," and then come right back to the House with the same kind of a report we now make. The House can either defeat this bill in toto or can have it arranged in conference in a shape satisfactory to the House and then pass it. So far as I am personally concerned, I do not care whether it goes up or goes down. I have no personal feeling in the matter.

Mr. SHERMAN. Will the gentleman yield for a question?

Mr. MAHON. Certainly.

Mr. SHERMAN. As I understand the gentleman from Pennsylvania, his statement is that the Senate refuses to enter into any agreement that does not in some way care for the so-called Selfridge board claims. Is that correct?

Mr. MAHON. That is correct.

Mr. SHERMAN. And then you suggest that if the House will send its conferees into conference unhampered by the instructions, that then it may be possible to reach an agreement whereby these claims will either be allowed at a less amount or that they may be sent to the Court of Claims for adjudication there. Is that correct?

Mr. MAHON. That is correct.

Mr. UNDERWOOD. If the gentleman from Pennsylvania is through, I desire recognition, Mr. Speaker.

Mr. CANNON. I would like to ask the gentleman a question Mr. Speaker.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MAHON. Yes.

Mr. CANNON. As I understand it, the item in dispute involves legislation and was proposed by the Senate.

Mr. MAHON. Entirely.

Mr. CANNON. Now, I will ask the gentleman if it is not true that when one body proposes legislation and appropriations or legislation without appropriations upon a bill that contains many other items, that that body recedes, under parliamentary practice and usage as to such matters proposed, if the other body insists upon it? Or, to put it another way, the so-called claims involve legislation, as many other matters upon this bill, and if the House refuses to assent to the proposed legislation, under parliamentary usages the Senate would recede.

Mr. MAHON. I do not know that they may; but we have to have a conference.

Mr. CANNON. I am speaking of what the usage is.

Mr. MAHON. Yes. Now, Mr. Speaker—

Mr. MADDOX. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MADDOX. I desire only to ask the gentleman a question.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] had addressed the Chair.

Mr. MAHON. Just a moment, and I will give the gentleman the floor.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Pennsylvania if the conferees have agreed on everything except these Selfridge board claims?

Mr. MAHON. There is a tentative agreement, but not a final one, I will say to the gentleman; there is a tentative agreement as to the balance of the amendment, to be frank with the gentleman. Now, I just want to say one word more. The Committee on War Claims was not responsible for the insertion of the Selfridge board claims, so called, and others. In the Senate they sent over claims to this House. They go to the Patent Committee, they go to the Military Committee, and to the different committees in the House. The Committee on Claims in the Senate have under consideration a large number of claims.

In fact, all the claims which the War Claims Committee do not have control of, and some which the Committee on Claims in the House have no control of, are referred to that large committee. We sent our bill over to the Senate. That committee, composed of some fourteen or fifteen Senators, some of whom are among the leading members of the Senate, amended this bill, adding claims to it that had passed either one or the other branch of Congress or upon which there were reports from either the Senate or the House. There is no item in this bill except as has been canvassed by the committees of the House or by the House itself. The Senate committee amended this bill. That committee in the Senate was unanimous in reporting the bill, and they insist they are certainly entitled to some consideration. It was passed through the Senate as amended by the unanimous vote of the Senate. Every Senator in that body supported this bill. Now, it came over for conference.

Mr. POUL. Mr. Speaker, I would like to ask the gentleman how many different Congresses have refused to pay these claims?

Mr. MAHON. What claims?

Mr. POUL. The Selfridge claims that you are speaking of.

Mr. MAHON. That has been talked of. I do not want to enter into that discussion. In the Fifty-fifth Congress there was \$224,000 of them. These claims aggregated the sum of \$290,000. At that time I was a member of the committee on conference and after a full conference we reduced these claims 20 per cent and finally passed them. They have been passed by Congress as individual claims, I do not know how many, but quite a number. Now, Mr. Speaker, I think this House ought to give these conferees a free conference, and I will say very frankly that I will try to carry out the wishes of this House and get the very best terms I can from the Senate, either get them to recede altogether or agree to treat these claims exactly as the Fifty-fifth Congress treated them, by cutting them 20 per cent, or an agreement to send them to the Court of Claims and get rid of them in some way. That is all I desire to say.

Mr. PARKER. Mr. Speaker, I would like to ask the gentleman from Pennsylvania whether the passage of the claims bill after conference in the Fifty-fifth Congress was not made upon a statement that there was nothing in the bill that had not been ratified by the committee and without reading the items?

Mr. MAHON. No, sir.

Mr. PARKER. That is my recollection.

Mr. MAHON. The Senate put these claims in, and the House, after two or three conferences and after consultation among the members of the House, passed the bill.

Mr. PARKER. My recollection was that the chairman of the committee stated that there were no claims there that had not been ratified by the committee.

Mr. MAHON. When?

Mr. PARKER. In the Fifty-fifth Congress, when some of these Selfridge claims went in.

Mr. MAHON. I do not know what was said. You can get the RECORD and see. I stand by what I said at the time.

Mr. PARKER. My difficulty about the matter was that the gentleman made the mistake of putting in one claim that I had reported against, and a Selfridge claim at that.

Mr. MAHON. I did not put it in. That was put in in the Senate.

Mr. PARKER. I know that.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on Claims, says that he thinks the House ought to allow the conference committee to return to the conference room with a free hand and uninstructed. Now, I have no personal criticism to make of the gentleman from Pennsylvania or his colleagues.

Mr. MAHON. Will the gentleman allow me to make a suggestion?

Mr. UNDERWOOD. Certainly.

Mr. MAHON. Will you agree to instruct the conferees to cut these claims 20 per cent, as you did in the Fifty-sixth Congress?

Mr. UNDERWOOD. Certainty not.

Mr. MAHON. Or to send them to the Court of Claims?

Mr. UNDERWOOD. Certainly not.

Mr. MAHON. You want to defeat the bill?

Mr. UNDERWOOD. No; I do not. I want to defeat these claims, because I think these claims are wrong. If I thought these claims were right I would be willing to pay them in full—if they were just claims.

Mr. GROSVENOR. Will the gentleman allow a question?

Mr. UNDERWOOD. Yes.

Mr. GROSVENOR. You are in favor of paying all these Southern war claims in this bill, involving rents and destruction of schoolhouses and churches at Clarksville and other points, I suppose—

Mr. UNDERWOOD. Now, I will say to the gentleman—

Mr. GROSVENOR. And do you suppose that this side of the House will stand by and see you fight against everything to pay Union claims, and then pay out of the Treasury your claims of the character that I have described?

Mr. UNDERWOOD. Well, now, I will say to the gentleman from Ohio—

Mr. GROSVENOR. That is this case.

Mr. HOLLIDAY. Will the gentleman yield?

Mr. UNDERWOOD. Not until I have answered the question of the gentleman from Ohio. I can not answer two questions at the same time. I want to say to the gentleman from Ohio that as far as my record is concerned in voting for claims, there is no blemish upon it. Since I have been a member of this House I have only voted for claims that have been found just by the courts to which this House has referred them. I have never gone outside, and if the gentleman can find a vote where I have favored the payment of a claim from my district or from the South that has not been held by the courts to be required to be paid by this Congress, I challenge him to find it in the RECORD.

Mr. GROSVENOR. I will ask the gentleman—

Mr. UNDERWOOD. Will the gentleman allow me to answer his question? I see no reason for him at this time to bring in this question, when we are discussing outside claims. I will say that I am perfectly willing to pay the Bowman Act claims in this bill, because the House of Representatives of the United States referred them to the Court of Claims, a court organized by this House—

Mr. HOLLIDAY. Mr. Speaker—

Mr. UNDERWOOD. Will the gentleman please wait until I finish my statement?

The SPEAKER. The gentleman from Alabama declines to yield. The gentleman from Indiana is out of order.

Mr. UNDERWOOD. A court organized by Congress for the purpose of determining these questions; and when they have found judgment in favor of the claimants, then I have always voted for the bill. I have never secured the passage of a claims bill in this House myself since I have been a member of Congress, and these are the only bills that I have voted for. The reason that I am willing to vote for these Bowman Act claims is because the court has rendered judgments in favor of them.

Mr. SHERMAN. Will the gentleman yield?

Mr. GROSVENOR. The gentleman has not answered my question at all.

Mr. UNDERWOOD. What is it?

Mr. GROSVENOR. In this bill stands quite a number of strictly Southern war claims. One of them is a claim from Clarksville, Tenn., for the use and occupation, and possibly the destruction, of a church, and the members of that church, through their leading officer, have been up here to see me within a few days, and have begged me to stand by that claim. I have looked into it. It is simply a war claim, on the same footing with any war claim for the ravages of war, and has never been found by any

court to be a valid claim. And what I put to the gentleman was if that is not true, if you are supporting the bulk of this bill, including these war claims, why, you are fighting claims that grew out of the action of the Government in time of war. I want to point to the gentleman the record, speaking about our attitude upon this particular bill, and I want to point out to you if you can defeat one side of the bill doubtless the other side can just as easily be defeated.

Mr. UNDERWOOD. I have not advocated this bill since it has been in the House so far as the war claims in here are concerned. I think the proper course to be pursued, and I always have thought so, would be to send them to the Court of Claims, and let that court determine the facts, because I do not think Congress is competent to judge of these matters.

Mr. SHERMAN and Mr. DAVIS rose.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield to the gentleman from New York.

Mr. SHERMAN. Does the gentleman from Alabama contend under the Bowman Act reference provides for a judgment?

Mr. UNDERWOOD. Well, some of them are under the Bowman Act and some under the Tucker Act. In the Bowman Act cases it is the findings of the court.

Mr. SHERMAN. It is a finding, but not a judgment.

Mr. UNDERWOOD. But its findings are conclusions.

Mr. SHERMAN. Precisely, as the Selfridge board findings are conclusions.

Mr. UNDERWOOD. What finding?

Mr. SHERMAN. The Selfridge board findings, and under the Bowman Act findings of the Court of Claims, too.

Mr. UNDERWOOD. It was referred to them to find out whether or not the building of these boats cost the contractors anything more than the contract price, and they reported that the boats had cost more than the contract price. Now, that is what that does; but the Government—the Senate and the House of Representatives—at that time were not satisfied. Why? Because the Selfridge board did not take any evidence, did not consider any evidence, in the matter but the contractors themselves. The only evidence before the Selfridge board was from the contractors, and the only question asked was whether it cost them more to build the boats than the contract price.

Mr. MAHON. Now, I know the gentleman wants to be fair. The gentleman knows that the board was Admiral Selfridge and a number of other officers, like all of those men, who make you give 36 inches to the yard. You know that for eighteen months they went to the shipyard offices of these men, examined the books, examined the vouchers in detail, put these men on the stand—the only men who could know what they were talking about. It was not UNDERWOOD, of Alabama, or MAHON, of Pennsylvania. They went to the men who had the books and documents, and after months the board detailed by the Secretary of the Navy made this finding.

Now, without reference to the merits of these claims, I say that these findings were made from a more careful examination than they could make in the Court of Claims; and I am willing that they should go there.

Mr. UNDERWOOD. I want the House to understand it fully. The gentleman concurs in what I said.

Mr. DAVIS of Florida. I would like to ask the gentleman what possible harm can there be in allowing these conferees to go back to the conference room untrammelled? Suppose the committee should make a report to this House which the House was unwilling to adopt. Is it not within our power to refuse to adopt that report? Why, then, trammel them in advance?

Mr. UNDERWOOD. I will answer the gentleman's question in a few minutes, but I want to finish the answer to this other question first.

Now, there is no disagreement between the gentleman from Pennsylvania and myself in reference to the Selfridge board; and I assert, and he admits, that the only evidence ever brought before the Selfridge board was of these contractors, and were the contractors themselves and their books.

Mr. MAHON. Who else could give them evidence?

Mr. UNDERWOOD. Well, there are other ways of finding out whether the Government owes the claimant anything. The question was not whether the Government owed them any more but whether it cost them any more than the contract price of the boats they had contracted for. There is no dispute about that. That being the case, forty years ago the Congress of the United States was unwilling to appropriate this money on that proposition and upon that finding of facts, and they appointed another board, known as the Marchand Board, to investigate whether these things ought to be paid for, as the Selfridge Board was appointed to find out from the contractor if said vessels had cost them more than the contract price, and to determine whether the

Government of the United States really owed these claimants or not. And that board examined and reported that the Government ought to pay \$287,000 on some of these claims, I believe, and turned down the balance of the claims.

Mr. MAHON. Will the gentleman answer another question?

Mr. UNDERWOOD. If I can.

Mr. MAHON. The gentleman is correct so far. They examined four or five claims and allowed \$200,000. Now, that board made that allowance after sitting less than four months, while the other board took seventeen months. On that examination of three or four months they allowed \$200,000 on three, four, or five of the boats; and the gentleman is very familiar with the fact that after they had done that they closed the gates on the other people and turned them out of court. If they had investigated them they would have had to sit over a year to have done so. I want to be fair, and I want to say nothing against the Marchand Board, but it was not composed of experts. The gentleman knows who they were?

Mr. UNDERWOOD. They were naval officers?

Mr. MAHON. They were not standing as naval officers.

Mr. UNDERWOOD. Was not Admiral Marchand added to the board?

Mr. MAHON. He had arrived at the period of old age and was utterly unfit for many reasons to go into an examination of that kind.

Mr. UNDERWOOD. I know nothing of the personnel of the men that were appointed on the Marchand board. I know the Marchand board was appointed under an act of Congress and appointed by the President of the United States, and I assume that he appointed naval officers that were competent.

Mr. MAHON. Not by the President of the United States, but by the Secretary of the Navy.

Mr. UNDERWOOD. It amounts to the same thing, by the executive officer of the United States. Now, their contention as to why these claims should be paid now before this House and some years after Congress passed upon it was that the Government had changed the contracts, but as I did the other day, I called the attention of the House, and I call it again, to the fact that when Senator Grimes, of Iowa, chairman of the Committee on Claims in the Senate before whom this Marchand report was made, reported to the House and stated to the House that no change whatever had been made in the contract, Senator Sherman, of Ohio, made the same statement, and the Secretary of the Navy at that time reported to the House and the Senate that there had been no change made in the contract whatever. Now, that was forty years ago. They were repudiated by that Congress. They were reported by boards appointed by the Secretary of the Navy, and that board investigated them. There is no reason in the world why they should be paid.

Since that time it is true that above the contract price Congress has authorized the payment of \$5,000,000 to these contractors, 40 per cent more than the contract price that they agreed to receive.

Mr. DAVIS of Florida. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. DAVIS of Florida. The Senate seems to have differed with the House on that proposition. They have amended the House bill by adding the Selfridge board claims to it. A conference has been arranged between the two Houses. So far these conferees have not been able to agree. Our conferees return and say they are unable to agree with the Senate conferees on this one item, and they say they desire to go back into conference upon it.

Now, without undertaking to discuss the Selfridge board claims, what I wish to ask the gentleman from Alabama is this: Where the Senate has differed from us, where they have sent conferees to meet our conferees, our conferees knowing the sense of this House, why need we trammel them further with instructions, why not let them go into conference untrammelled, that they may be at liberty to undertake to adjust these matters?

Mr. WANGER. Would not that be a clear backdown from the position that the House has taken?

Mr. SIMS. That is what it means exactly.

Mr. UNDERWOOD. I think that is the material question now before the House, as to whether we should yield. I do not want to do the gentleman from Pennsylvania any injustice. He asks to go back uninstructed, and without intending any personal reflection on the gentleman from Pennsylvania, I want to state to the House why I believe this conference committee should not be allowed to go back to conference uninstructed.

What is the history of the matter? My friend from Florida says this is the way to reach this question. When the Senate put these claims on this bill, and it came to the House, it was taken up in Committee of the Whole House on the state of the Union and considered. The House acted on the matter, they struck out the Selfridge board claims by a vote of the Committee of the Whole, and sent it to conference with these claims stricken out.

Now, every man upon this floor knows that when the House has acted by vote on a particular question, it has always, both in the House and the Senate, been considered an instruction to the conferees on that particular question. So that the House conferees went into the first conference practically instructed by the House not to agree to the Selfridge board claims.

What was the result? They went into conference—two of them—Mr. SIMS did not sign the report, but two of the House conferees immediately agreed with the Senate that these claims should be paid. They reported to the House. How? Not so that we could have a separate vote on the question; not so the House could again determine whether it wanted to pay the Selfridge board claims or not, but they came in here by unanimous agreement, and if it had not been for a point of order made so that the conference report was rejected on the point of order, this House would have been compelled to vote for the whole bill, and could not have singled out these separate items, but would have been compelled to vote for the bill in toto without opportunity to exercise its judgment.

Mr. MAHON. Does not the gentleman know that that was one amendment, and that the report was made strictly in accordance with parliamentary law, and it could not be made in any other way?

Mr. UNDERWOOD. I beg the gentleman's pardon. If the conferees wanted to, they could have come back here and reported agreement on all the other items to the Senate amendment except the Selfridge board claim, and then said to the House, "We ask for further instructions in reference to the Selfridge board claim," and give the House an opportunity to have voted on that proposition. The gentleman knows that.

Well, now, what is the result? Several days ago this bill was again sent to conference. The conferees were instructed. And what do we find was the result in the other Chamber? We find that the chairman of the committee there reports the bill back, asking for a disagreement; and I do not think I am exceeding parliamentary law when I state that when it was asked on the floor of the Senate why he did not make a motion to recede, he stated—it is in this morning's RECORD—that the gentleman from Pennsylvania desired to put this question to another vote in this House.

Mr. MAHON. I did not look at the RECORD—

Mr. UNDERWOOD. If you will look at Senator WARREN'S remarks, you will find I am correct.

Mr. MAHON. Let the gentleman be fair. There was no conference on these Selfridge board claims; there could be none, and the gentleman knows it. Absolutely the only thing that could be done by the House conferees was to come back to the House and report a disagreement. Why should I ask what the gentleman thinks I should have asked? I was under the instructions of the House.

Mr. UNDERWOOD. I will say to the gentlemen what I believe his duty to be—

Mr. MAHON. I do not propose to take orders from the gentleman from Alabama. I am willing to listen to his speech and to his advice, but not when put in that way.

Mr. GROSVENOR. The gentleman from Alabama ought to be willing to trust a committee of this House without issuing verbal orders to them in advance. The gentleman has been undertaking to run the business of the House for the last two or three weeks. He has succeeded tolerably well—very well, indeed—but it seems to me that if he would not issue his orders quite so peremptorily the committees of the House might be freer to do their business.

Mr. UNDERWOOD. The gentleman from Ohio [Mr. GROSVENOR] can, of course, criticize me personally; I have no objection to his criticisms; but what I say to the gentleman from Pennsylvania is this: I am criticizing the gentleman in all good feeling and without intending anything personal to him, but I think he has not treated the House in this matter as it should have been treated. As I said, he received instructions in the beginning from the House.

Mr. MAHON. Where from?

Mr. UNDERWOOD. The Committee of the Whole.

Mr. MAHON. The Committee of the Whole can not instruct, and the gentleman knows it.

Mr. UNDERWOOD. Oh, well, such action has always been recognized, as I said a while ago.

Mr. MAHON. I do not recognize the instruction of less than 100 members of the House.

Mr. UNDERWOOD. Well, we are agreed on that.

Now, the other day the gentleman had the direct instructions of this House. Now, I say he has not dealt fairly with the House. When he went into conference this amendment had been put on the bill by the Senate. I know the gentleman is in favor of these Selfridge board claims. I do not criticize him for that. He is entitled to believe that they are right just as much as I am enti-

tled to believe that they are wrong; but when he sits on a conference committee he is not acting in his individual capacity; he is acting for the House, and he must express the will of the House. Now, the will of the House has been declared. I say it was the duty of the gentleman from Pennsylvania to say to the Senate conferees, "We will not report this question back to the House until you report the bill to the Senate and ask them to vote whether or not they will recede from their amendment." The gentleman knows that that is the way in which an agreement should have been reached, as the Senate had put on the amendment.

Mr. WM. ALDEN SMITH. The gentleman from Alabama will allow me to ask whether he would be willing that these Selfridge board claims should go to the Court of Claims?

Mr. UNDERWOOD. No; I am not. I will say candidly that I think these men have received 40 per cent more than the contract price. I may be wrong, but in my judgment the claims are unjust and ought not to be paid. I do not think the House ought to trifle with them.

Mr. CANNON. Now, let me say, and incidentally I will answer the question of the gentleman from Michigan [Mr. WM. ALDEN SMITH], that these parties have no desire to go to the Court of Claims—

Mr. WM. ALDEN SMITH. Whom does the gentleman mean?

Mr. CANNON. These Selfridge board claimants. I say they have no desire to go to the Court of Claims unless they can go there with legislation which would practically direct the Court of Claims to find judgment for them.

Mr. WM. ALDEN SMITH. Is it a fact that some of these claims—not the present claims, but claims growing out of the same subject-matter—have been passed upon by the Court of Claims?

Mr. CANNON. Not at all, unless by direction of Congress. If we would send these claims or any other claims to the Court of Claims with instructions to enter judgment, the claimants would, of course, welcome such action.

Mr. WM. ALDEN SMITH. That, of course, would not be such a hearing as we would expect or helpful to claimants; at least it would not satisfy me.

Mr. CANNON. Now, I say they have no desire to go to the Court of Claims unless they go there with legislation that practically tells the Court of Claims to find judgment for them.

Mr. WM. ALDEN SMITH. Would the gentleman be opposed to allowing these claims to go to the Court of Claims in the usual way—under an enabling act.

Mr. CANNON. They do not ask to have that done.

Mr. WM. ALDEN SMITH. I thought I understood the gentleman from Pennsylvania to suggest such action.

Mr. CANNON. The gentleman from Pennsylvania either did not realize the full scope of his statement, or was not as candid as he usually is to the House.

Mr. UNDERWOOD. Now, Mr. Speaker, in conclusion I want to say this: That if you let this matter go back to conference without instructions and the conferees pursue the same course that they pursued before in this matter, this question will come back in such shape that we can not separate these votes, where we have to vote for the whole conference report to reject it or not reject it at all. It was presented here in such shape that men who have claims in this bill which they believe to be legitimate will find themselves not left free and independent to vote on those claims. More than that, it was the duty of the House conferees to send this to the Senate and force a vote in the Senate as to whether they would recede or not before it was brought back to the House. More than that, after these instructions are asked, if the House does not insist on its instructions, the Senate will believe that we are ready to back down and will delay the passage of this bill rather than expedite it.

Mr. SIMS. Mr. Speaker, the House, I presume, desires all the light on this question that they can get, as well on the action of the conferees as on the merits of the claims. The gentleman from Pennsylvania [Mr. MAHON] has thrown out some intimations here about cutting down 20 per cent and sending to the Court of Claims. Therefore, I suppose I will not be violating confidence to state with what reception those propositions were met by the conferees except myself. It is well known that I am the only member of that committee of conference who is opposed to these claims. I fought them in this House from the time they came up. I fought them before the Committee on War Claims, and for no other reason under heaven than that I thought they were unjust and ought not to be paid.

In that first conference I asked them if they would not accept them with a reduction of 20 per cent. No. I then suggested, Why not let them go to the Court of Claims, as you do those monitor claims in the latter part of the bill? Why, the other conferees claimed that they believed that the Court of Claims would give more than the Selfridge board had. Now, they come up here and talk about going to the Court of Claims as a last resort.

I say I would have no objection to going to the Court of Claims under a proper bill, but I do not want a bill drawn for this or any other matter that manacles the court and leaves it nothing to perform but a clerical act. I believe the Senate will recede on this amendment, although the Senate conferees have not intimated such a thing. It is their proposition, and I do not believe they will see the bill fail. But I want to say this in response to some inquiries by the gentleman from Ohio [Mr. GROSVENOR] made of the gentleman from Alabama [Mr. UNDERWOOD] about Southern claims. From my own district there are several claims. From the State of Tennessee there are a great many more.

One claim referred to is the Clarksville claim, and I want to say here to the gentleman from Ohio and to this House that, as long as I am a member of that committee, if I have got to vote for a claim that I conscientiously do not believe we owe in order to get this House to pay one that I do believe we owe, I will never do it, whether they come from my district, the South, or anywhere else. [Applause.] I do not know who owns the Selfridge board claims. I have heard rumors, which I will not refer to on the floor of the House. I do not know whether they are Republicans or Democrats, from the North or the South, and I do not care. Where are the French spoliation claims owned, amounting to \$750,000, in this bill? Where are the State claims from? There is no politics in this, as far as I am concerned.

The gentleman knows that in committee I stand and fight Southern claims when I think they ought not to be paid. I do it continually, all the time, and expect to do it in every instance where I believe they are unjust and unreasonable. Mr. Speaker, if there is anything worse than a general omnibus bill, in which you can dump anything and then force a member to vote for it in order to get his own little claim, I do not know what it is. Here is a bill passed by the House, carrying \$198,000 of claims, upon which the Court of Claims makes favorable findings. I could not put a church bill on, nor you nor anybody else in the House. No; all this thing must be done in the Senate. So that you may come into this House with some nice little bill which the House would accept and send it over to the Senate, and then let it be loaded down with everything that has been accumulating there for twenty years, and when you ask me to vote for it in order to get the other through, I want to say that I am not built that way.

If this Congress sees fit to deny the payment of Tennessee claims, when it does not question their justice, in order that it may force a Tennessee member to vote for an unjust claim which he has investigated and thinks he understands and knows all about, you have struck the wrong man, as far as I am concerned, and I will take all the results that may follow. If these claims from the South are never paid until they are paid by compromises, until the House accepts anything and everything in order to get them paid, I say let them go. Tennessee can do without them. I want to say that I think the chairman and the Republican membership of this Committee on War Claims have been as liberal on Southern claims as they could be. They have often been more liberal than myself. They have not drawn party lines nor sectional lines. My objection to them is that they do not draw the line against all claims as tightly as I think they ought to; but that is a matter merely of judgment and judgment only.

I say I want the instructions of this House on those claims. I have very little company on the other side in opposing them. The gentleman from Pennsylvania [Mr. MAHON] has just admitted that he is heartily in favor of them, and if he wants a witness to prove it I will prove it for him. If you do not vote for these instructions it virtually amounts to an instruction to go back and agree to these claims. That is what it will amount to. I appeal to my friends on this side and on that side, everywhere in this House, if you have a small just claim in this bill or a big just claim in this bill, vote for these instructions and let us try it again. Do like me, and let your claim go down in good company rather than go through in bad company. If it can not get justice here in the American Congress without voting for something that no man on the floor of this House, according to my judgment, can justify, then let the bill fail.

These contracts for this steam machinery were entered into in 1862 and 1863, amounting in round numbers to \$14,000,000. As far as I can find, the specifications were not changed. Delays were caused. The claim is made that labor and material went up in price, and no doubt they did. The Government settled this matter, and upon the \$14,000,000 they paid \$5,000,000 in addition, and now, forty years afterwards, they come in here and ask you to pay what the Selfridge board found it cost them more than the contract. This is not an ordinary private claim. There is a question of policy involved here. You are laying down a precedent for this Congress and others in the future to act upon. We are letting large contracts every day for ships and for naval supplies. If a man takes a contract, and afterwards comes to Congress or to the Navy Department and says, "I lost money on my

contract," then, according to this precedent, you will have to pay him what he claims he lost.

Mr. BOWIE. Forty years afterwards.

Mr. SIMS. Forty years afterwards pay him what he claims upon his own ex parte statement that he lost. Naval contractors and Government contractors can be as careless as they please in bidding. All they have got to do afterwards is to show that they did not make money out of their contracts. But where is the contractor who ever did any work for the Government, who made more money out of his contract than he thought he would on account of declining prices in labor and material, who ever came up and dumped back his profits into the Treasury of the United States? If gentlemen have items in this bill that they believe are just, they have just as much right to believe it as I have; but just simply because they may be afraid that somebody has influence enough to defeat this bill unless unjust claims are allowed to remain in it, they ought not to vote for what they believe to be unjust.

Mr. Speaker, if I may be permitted, I want to yield to the gentleman from Illinois [Mr. CANNON] such time as he may desire. The SPEAKER. The Chair will recognize the gentleman from Illinois in his own right.

Mr. CANNON. I only want a very few minutes, if I can have the attention of the House. I do not propose at this time, because I do not think it is necessary, to argue the merits of these claims. I will simply crave the attention of the House while I give what I understand to be the parliamentary history of this bill.

The House passed an omnibus claims bill for less than \$200,000, based exclusively on findings of the Court of Claims, with favorable recommendations. That bill went to the Senate. The Senate assented to everything in the House bill, saying, "Yes, that is right;" and then added between two and three million dollars—I may not be exactly accurate as to the figures—of claims of other kinds, many of them dating back almost a century. It may be that some of them are good. I have no doubt that many of them are bad. They sent these claims back in one amendment to the House with their compliments. Now, this is a bad way to legislate to begin with, because a good claim for a hundred dollars or five hundred dollars, with your constituent or mine back of it, frequently will drag through a bad claim. I hope while I serve in the House that never again will there be an omnibus claims bill of any kind pass this House or pass the Senate. [Applause.]

Mr. MAHON. I would like to ask the gentleman this question: What is the difference; why should we pass an omnibus public buildings bill carrying \$18,000,000? And I am frank to say that the Government will be better off if many of them were not built; they will be a white elephant on the hands of the Government.

Mr. CANNON. Supposing that to be true. Do two legislative outrages sanctify one? [Laughter and applause.]

Mr. MAHON. We are legislating that way.

Mr. CANNON. I will not be switched off by that suggestion. This bill came back from the Senate and was considered in Committee of the Whole under the five-minute rule. It was discussed back and forth, and the House recommended disagreement—the committee first, and the House confirmed the action of the committee. It went back to the Senate, a conference was had, and on the first conference the House conferees—and I am not criticizing them; they had the right, the parliamentary right—reported back an agreement. That agreement was rejected by the House, without reference to these claims, as the gentleman recollects.

Then, as was his parliamentary right, a member of this House moved an instruction to the conferees not to assent to the Selfridge board claims. I have seen it done fifty times; I have been on a conference myself, and other gentlemen have been on conferences. That registered the will of this legislative body; and on a yea-and-nay vote there was an overwhelming majority in favor of that instruction. They went back to conference, and come back here and report another agreement; and the conferees, or a majority of them, ask to be relieved of that instruction. Now, suppose you relieve them of that instruction. That is morally equivalent to instructing them to go back and write the Selfridge board claims in. That is all there is of it. Now then, in my judgment, the Selfridge board claims ought not to be paid. I will not go into the argument. I have been familiar with them for a quarter of a century, and it is perfectly clear to my mind.

Some gentlemen think they ought to be paid; but, if paid—forty years old, no legal judgment, never went to the Court of Claims, because they had nothing to go on, and will not go now unless you legislate so as to direct the Court of Claims to enter a judgment—if ever paid, they ought to be paid standing alone, where the House and the Senate can treat them as a single proposition. They ought not to be brought in here with a lot of good claims, and perhaps some bad ones, and pulled through under stress. Now, then, I shall vote for one for the proposed instruction,

similar to the instruction that on the yea-and-nay vote was given the other day; and I have no doubt myself that when they go back with that instruction that the coordinate body of Congress will ascertain that this body is in earnest, and as that body proposed this legislation—and it is legislation, under the ordinary rule—they will recede.

Ah, but says somebody, maybe the bill will fail. No, no! [Laughter.] Do not fear that. The House bill carried \$175,000. The bill still carries, after these claims are stricken out, over \$2,000,000 that the Senate put in. Now there are enough Senators representing their constituents not to let the bill fail. [Laughter and applause.] Do not be afraid. I will write a policy for the thousandth part of a mill on a thousand dollars that it will not fail. [Laughter.] I think it is proper to assert the will of this body in a parliamentary, decent, usual way. Therefore, without delaying the House further, for one, when the vote is taken I shall vote again, the second time, for the instruction. [Loud applause.]

Mr. HOLLIDAY. Mr. Speaker, as a member of the Committee on War Claims, I am constrained to disagree with the distinguished gentleman from Pennsylvania, the chairman, and I propose very briefly to give to the House some of the reasons for declining to follow the leadership of the chairman, in whom I repose very great confidence and for whom I have a very high regard.

These bills properly belong to the War Claims Committee, as much as the Claims Committee of the Senate. They are war claims, if anything, and there is no more reason for their being attached by the Claims Committee of the Senate than attached to any war claim to be considered. They were before the Committee on War Claims, but received no consideration at the hands of that committee whatever before the bill went to the Senate. After this bill came back from the Senate, by an order of this House it was again referred to the Committee on War Claims, and then it received no consideration whatever. A motion was made to nonconcur, and that was carried. But, Mr. Speaker, I have taken some pains to investigate these claims, because I think that I sat in a judicial capacity and as a sworn duty to decide these matters according to the law and evidence, just as a judge upon the bench, and in that spirit I have examined this question.

What is the history of these cases? It is asserted that when these parties built ships for the Government, owing to certain changes and the increase in labor and material, they lost money, and for that reason the United States ought to reimburse them now. In the first place, there is no evidence that they lost any money except the report of the Selfridge board, which said that they did, and they heard that side of the case alone. In the second place, every man in the House knows that the rise in labor and material had occurred in large part before these men built the ships. They did not build them at the beginning of the war, they built them while material and labor was advancing in price. These men, if they were business men, must have carefully taken into consideration the advance in labor and material when they made the contract.

After the war was over the Senate authorized the appointment of the Selfridge board. The concurrence of the House was never asked. So far as we know, the concurrence of the House was never wanted. That board heard only one side of the case and reported that there were large amounts of money due to the contractors by reason of their having lost money by the increased price of wages and material. The House at that time, while it was fresh in the minds of the people, while they were much more familiar with the facts than they can be now, decided that they could not allow these claims, and they appointed another board. By the joint action of both Houses of Congress, under a law regularly enacted in legal form, a legal and competent board was appointed to go over these cases, and that was known as the Marchand board. I find some of their findings reported in the Senate Document No. 1821 of the Fifty-third Congress.

That board reported November 26, 1867, when the matter was all fresh, when they had the cases before them and all the information that was obtainable on the subject. They made a report, and I will give some items from that report. It might be profitable to put the whole of it in the RECORD. They are arranged in regular form. Some of these items are contained in this bill, and some of them are not. I want to say it is a curious circumstance, but I wanted to get hold of the bill and the Senate report in order to compare it with the Marchand report, and I could not find a copy of it in the document room.

Now I read from the report:

Secor & Co. and Perrine, Secor & Co., river and harbor monitors *Manhattan*, *Tecumseh*, and *Mahopac*, contract price, \$1,280,000; whole increased cost of the work over the contract price, as claimed by the contractors, \$1,236,191.22; amount of such increased cost caused by the delay and action of the Government as determined by the board to be due, \$115,539.01; amount already paid the contractors over and above the contract price (obtained from the bureaus), \$521,195.58.

Now, this shows that they have received some \$400,000 more

than the Marchand board found was due them. In every item the Marchand board found that the contractor who claimed to have lost money had already been paid more than the amount which was due him.

Mr. ROBERTS. Do I understand the gentleman to say that the Marchand board found there was due Secor & Co. and Perrine, Secor & Co. for the three monitors built by them, due to increased cost over the contract price, one million two hundred and thirty-six odd thousand dollars, and that the Selfridge board made a finding in behalf of Secor & Co. of that amount?

Mr. HOLLIDAY. No; I did not say anything of the kind. I said the Marchand board said that is the amount they claimed was due them.

Mr. ROBERTS. Did not the gentleman say that the Selfridge board found that amount due them?

Mr. HOLLIDAY. No; I do not know what the Selfridge board found. I have not got their findings.

Mr. ROBERTS. I understood the gentleman to say that the Selfridge board found so much extra due them.

Mr. HOLLIDAY. No; I am reading from a Senate document, and the report says that the whole increased cost of work over the contract price as claimed by the contractor was \$1,236,191.22.

Mr. ROBERTS. What does the gentleman say about the action of the Selfridge board in regard to this?

Mr. HOLLIDAY. I have not those figures before me. I do not know how much they found. I do know that the Marchand board was a creature of the law and the Selfridge board was not. The Marchand board was a board regularly organized by acts passed by both Houses of Congress, and I would rather take their judgment than to take a board that was simply appointed by resolution. I know nothing about the personnel of this Selfridge board. I do not know which board was best calculated to decide them. I do know that one board was constituted by law. It may be true that there are lawyers in this city who are just as well qualified to give a judgment as any judge upon the Court of Claims; but I would not take an opinion given by those lawyers as quick as I would one by the Court of Claims. Here is a court authorized by law, and they find in every single instance—I want to call the attention of the House to this fact—they find in every single instance that the men who built these ships have been already paid more than this board found that they ought to have.

Mr. ROBERTS. I want to ask the gentleman a question before he gets away from this matter of the findings of the Marchand board. Does not the gentleman understand that that board was instructed to find the whole increased cost of the work over the contract price?

Mr. HOLLIDAY. Yes.

Mr. ROBERTS. They were instructed to find that as a fact?

Mr. HOLLIDAY. Yes.

Mr. ROBERTS. Now, what did they find?

Mr. HOLLIDAY. They found, of course, the amount of the increased work and found that the parties had already been paid more than was properly due them.

Mr. ROBERTS. Now, then, do they not in their table say that the increased cost of the work over the contract price as claimed by the contractor is so much—

Mr. HOLLIDAY. Yes, sir.

Mr. ROBERTS. And then they do not find as the result of their work that that was a fact; they simply take the word of the contractor and assume that that was the case.

Mr. HOLLIDAY. Oh, no; they do not do anything of the kind. I beg the gentleman's pardon.

Mr. ROBERTS. Then, will the gentleman take the position that in the first item of increase, the sum of \$1,226,000 was the actual increased cost over the contract price?

Mr. HOLLIDAY. No; I take it it was not.

Mr. ROBERTS. Then, if you do not take that position, you have got to say that the Marchand board did not follow their instructions, because they were instructed to find that fact.

Mr. HOLLIDAY. The gentleman certainly misunderstood me. They give the amount of such increase caused by the delay of the action of the Government, as determined by the board of review.

Mr. ROBERTS. Ah, but the gentleman is dodging again. That was still another point that they were to find, in addition to the findings of the cost over and above the contract price. They were to go beyond that. That was one fact which they were to find; and the next was how much of that increased cost was brought about through the fault or negligence of the Government. There were two distinct propositions.

Mr. HOLLIDAY. If the finding was not as I have stated, I am unable to understand the plain English of it.

Mr. ROBERTS. That is what I think—that the gentleman does not understand the plain English of this report of the Marchand board. If he will study it a little more, if he will read what the instructions to the board were, and what they did, he will understand the matter better.

Mr. HOLLIDAY. I have read exactly from the report.

Mr. RAY of New York. I want to know whether I understand this matter, and would like to ask the gentleman from Indiana [Mr. HOLLIDAY] a question or two.

Mr. HOLLIDAY. Certainly.

Mr. RAY of New York. These claimants made a claim against the Government—

Mr. HOLLIDAY. Yes.

Mr. RAY of New York. And the Senate and the House passed a bill which was approved and became a law, authorizing the Marchand board?

Mr. HOLLIDAY. Yes; that is the way I understand it.

Mr. RAY of New York. And that board was to determine the amount that ought to be paid these claimants?

Mr. HOLLIDAY. That is my understanding.

Mr. RAY of New York. And the Marchand board made the examination and made their report?

Mr. HOLLIDAY. Yes, sir.

Mr. RAY of New York. And it was assumed that whatever the Marchand board reported would be fair compensation for all claims?

Mr. HOLLIDAY. The Marchand board found that in every instance where they made report the parties had already been paid more than was their due.

Mr. ROBERTS. More than the contract price—nothing further.

Mr. HOLLIDAY. I beg the gentleman's pardon.

Mr. RAY of New York. Then these claimants, not satisfied with the findings of that board, and after having accepted the judgment of the Marchand board and the money that had been found due them, come forward and, on the same grounds, make a still further claim?

Mr. HOLLIDAY. Yes; there is nothing small about them; they keep on coming.

Mr. RAY of New York. They had a judgment in their favor; they accepted it and took the money; and now they want another judgment for the same thing?

Mr. HOLLIDAY. They keep coming right on.

Now, Mr. Speaker, I will not read all these items. I simply call the attention of the House to the fact that the Marchand board finds that in every single instance the parties have been already paid more than was due them. That ought to be conclusive of the subject.

Something has been said here about sending these cases to the Court of Claims. I violate no confidence when I say that in a brief filed by one of the attorneys for a part of these claims he stated that these claims would have no standing at all in the Court of Claims, because they are not founded upon any legal claim, but are simple claims in equity; that there was no use in taking them to the Court of Claims, and that the parties did not want any bill authorizing them to take them there. These parties do not want a bill authorizing them to go to the Court of Claims; they want a direct appropriation.

Mr. ROBERTS. Will the gentleman please inform the House in how many cases the Marchand board made an award?

Mr. HOLLIDAY. Oh, well, that is a matter of computation. I could count them if necessary.

Mr. ROBERTS. Is it not a fact that an award was made in only 7 cases out of 50 or 60 before the board?

Mr. HOLLIDAY. No; there are 50 or 60 reported here—

Mr. ROBERTS. But there are only 7 where an award was made.

Mr. HOLLIDAY. As I understand, they make a finding in every one of these cases. Let me read at random:

Alexander Swift & Co., river and harbor monitors *Oneota* and *Catawba*. Contract price, \$320,000. Whole increased cost of the work over the contract price, as claimed by the contractors, \$665,757.22.

Mr. ROBERTS. Will the gentleman go a little further and state to the House if the Marchand board made any finding in favor of Swift & Co.?

Mr. HOLLIDAY. They made a finding in every instance, but in some instances they found nothing at all was due them.

Mr. ROBERTS. In all these 50 or 60 cases the Marchand board, while they found that the contract price was so much, and while they found that the cost over and above the contract price was so much, and while they found that the contractor had received so much for extra work over and above the contract price, yet in only 7 cases did they find the Government was at fault, and make an allowance in those 7 cases. That is what I wanted to get at.

Mr. HOLLIDAY. I have always understood that when a plaintiff comes into court and the judgment of the court is that he take nothing that he lost the case. The Marchand board simply found these men did not lose anything, as they claimed they did, and rendered their finding to that effect.

Mr. ROBERTS. Does the gentleman mean when they found the excess of cost is merely the amount of the contract price—

Mr. HOLLIDAY. I decline to yield further. Now, I have no prejudice against these men. I do not know who they are.

Mr. MAHON. They are all dead.

Mr. HOLLIDAY. I do not know who holds these claims; I do not care. I am considering it from a purely legal point of view. I think they have not made out a case, and I think the Committee on War Claims of this House take the same view, or a majority of them do. I think this House can be engaged in no better service than in guarding the Treasury against raids of this character. They will keep on coming up. Gentlemen may talk about precedent, that we have paid some claims like these, and that, therefore, we ought to pay these. Precedent will continue to return and plague us, and if we pay these claims the action of the House to-day will be stated as a precedent for paying other claims a hundred years from now. The only safety is in refusing to pay them.

Now, Mr. Speaker, in conclusion, it does not appear from any report, but I think every man in this House who is old enough to remember the dark days in the war knows that the men who were engaged in building Government vessels and the men who were engaged in furnishing the Government supplies were not in business for their health. They made their contracts and made them high enough to cover all contingencies liable to arise. These men have been paid in full. In all conscience they ought to stop, and I hope the verdict of this House will be so conclusive to-day that at least we will hear no more of these claims during this session.

Mr. MAHON. Mr. Speaker, I am not going to weary the House. I have had these claims under consideration for ten years. You could not put the papers in respect to them in a cart, and after all it is a simple question. No one asserts that these people have not been paid their contract price and extras put on by the Government. They are all settled. There should be no confusion of ideas about that. They come here because of the delay of the Government, whose naval officers in the early days of the war did not understand the construction of vessels. That has been admitted by the Department and there has been an official record made of it, that Steimer and other men did not understand their business and these boats had to be rebuilt. Some of them put under contract at the beginning of the war were not finished in 1864. Now, what did the Selfridge board find? What did the Marchand board find? That on account of the delay of the Government, and through no fault of these men, the rapid rise in wages and in material at the time these boats were constructed had bankrupted these men.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. MAHON. Certainly.

Mr. HEPBURN. Is not this the question, as to whether or not the Government is prepared to make good to contractors the depreciation in the currency, in the greenbacks, that occurred between the date of the contract and the date of its completion? Is it not true that there was no appreciation in wages or in materials, measured by gold, but that the seeming rise was the result of a depreciation from 100 cents to 40 cents on the dollar? Is not that the question?

Mr. MAHON. Yes; I will be frank in answering you, starting with the original proposition, that if these boats had been finished at the time that the contract called for their completion, this loss would never have occurred. Every gentleman in the House who is familiar with these matters knows that. Now, I do not care from what cause, whether from the rise in the price of gold, which forced up the price of labor and materials, or from what other cause, the whole fault absolutely was upon the shoulders of this Government. Now, what was the result?

Mr. GIBSON. And the Government paid these men in greenbacks?

Mr. MAHON. Yes; the Government paid these men in greenbacks.

Mr. HEPBURN. Will the gentleman allow me to ask him another question? When the soldiers went into the Army, they expected a short war. The war of the rebellion was protracted for four years. Now, is not every soldier who was paid his \$13 a month in gold in the early days of the war, and later paid in greenbacks worth 40 cents, in precisely the same position; and has he not precisely the same claim to reimbursement that these men have because of the prolonged period of their contract?

Mr. MAHON. No; it is not an analogous case. The gentleman from Iowa and myself enlisted for a certain term. When that term was up we were paid in currency. I think we all came out bankrupt at that time. At least, I did. We had not anything when we went in, and we had not anything more when we came out. Now, I enlisted again for three years. I knew exactly what I was doing, and the Government kept good faith with me. When my time was up it gave me my discharge and gave me my pay.

Mr. RAY of New York. Will the gentleman permit me?

Mr. MAHON. Yes.

Mr. RAY of New York. While we are talking about that, why do not you bring in a bill that gives to the old soldiers the difference between gold and greenbacks?

Mr. MAHON. The gentleman can bring it in if he wants to.

Mr. RAY of New York. I want you to do it. You are chairman of the Committee on War Claims.

Mr. MAHON. I want to say, with all kindness to the gentleman from Indiana [Mr. HOLLIDAY], he admits that he has only read one report. And I want to say to the gentleman from Alabama and others who oppose these claims that the simple issue is whether the Government shall repay these men their loss on their contracts through the fault of the Government. That is the whole issue. Now, what has become of them? It is well known that the Government said to these men, "Build these ships or we will take your yards." That is the record of your Navy Department. Now, why do I advocate these claims? The gentleman from Tennessee [Mr. SIMS] has paid me the compliment, as chairman of the committee, to say that I have always been fair to the people. I am one of the men who believe—and I am sorry this Congress, as a rule, does not—that when this great Government of ours inflicts an injury upon one of its citizens, it is great and rich enough to make that injury whole; and I would not give a continental for a government that would refuse to do it.

I do not know one of these claimants except an old lady in her eighty-ninth year, with her daughter alongside of her, 70 years old, who appealed to me. But it is a fact that through the fault of this Government nearly seven-eighths of these contractors went into bankruptcy. Who were they? When this war was thrown upon this Government, preparation was made like a flash of lightning. We had no Navy, and these men who took these contracts were among our best citizens, loyal to the core, patriotic, doing their best to put the machinery of war on the waters in order that the rebellion might be conquered. We did conquer; and when the war was over these men were all bankrupt. I have studied this question long enough to assert here without fear of successful contradiction that through the fault of this Navy Department—not the willful fault, but through its want of experience in constructing vessels—these men were made bankrupt. It was the fault of the Department that this happened. Now, that injury has been perpetrated. The gentleman from Illinois says these claims are forty years old. Why, Mr. Speaker, there is not a claim in this bill that is not gray-headed. They are war claims. All of them originated during the civil war.

Now, the gentleman from Tennessee [Mr. SIMS] has spoken about these claims. I have helped to pay his claims and voted for them in committee and on the floor of this House when I thought they were right. I want to say to him that 52 per cent of all the money paid by the Government in the way of war claims has been paid, and properly paid, to the storm-swept State of Tennessee. Gentlemen, I lived in a war territory. You may talk about the Filipino war, you may talk about other wars, but when that war closed in 1865 my people had been almost swept from the face of the earth. I know something about it. Some of these gentlemen who oppose these claims lived thousands of miles away from the seat of war.

Now, who are the opponents of these claims? I just want to refer to one matter. I make no reflection upon any gentleman in this House. I can honestly say that so far as I am concerned no lobbyist has ever approached me upon the floor of this House in favor of these claims, but some of the most vicious and infamous lobbyists that this city has known have been hanging around the corridors of this Capitol for the last two months, and have been assailing these claims by circulars infamous in their character, and assailing these vessel contractors. What interest have they in it? They have tried to create a false impression about these claims simply because, like vultures, they could not get their beaks into the appropriations that are likely to follow. It is not the people who own these claims, but it is the gentlemen who want to get large concessions from these people; and because they have failed, they have assaulted these claims in a manner that should exclude them from this Capitol.

Mr. CANNON. A single question. There are vultures in the world, but before they ever perform there has to be the presence of carrion. [Laughter.]

Mr. MAHON. That is not always the case. They very seldom get carrion and have to take other food that people ought to have. The gentleman talks about conference reports coming back from the Senate and having to take the items that they put on. Many and many a time I have sat here during the night, and while we have been waiting through the night we have amused ourselves by singing old national songs and some of the Confederate songs, and under the leadership of the sweet singer now in the chair we have spent the long hours waiting on the gentleman from Illinois, the chairman of the committee of conference, and yet no instruc-

tions were given; and many a time the Senate has put into his bills something that he could not get them to recede from, and he had to agree to them.

Mr. CANNON. These claims, and many just like them, time and again have been put upon some of my bills; but the House has always stood by me, and they always went off.

Mr. MAHON. Except in the Fifty-fourth Congress.

Mr. CANNON. Yes.

Mr. MAHON. In the Fifty-fourth Congress they put two millions on, and the bill passed the House and passed the Senate, and some gentleman opposed to them went to the White House and got President Cleveland to veto the bill.

Mr. CANNON. Yes; the President vetoed the bill.

Mr. MAHON. I know who went out to the White House and got him to do it [laughter]; but that is all right. I move the previous question on the motion of the gentleman from Alabama.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the motion of the gentleman from Alabama.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama, to instruct the conferees on the part of the House to resist what is known as the Selfridge board claims.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Division.

The House proceeded to divide.

Mr. MAHON. Mr. Speaker, I do not care to take up the time of the House by a further division.

The SPEAKER. The ayes have it, and the motion is agreed to. The Chair announces the following conferees on the part of the House: Mr. MAHON, Mr. GIBSON, and Mr. SIMS.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14046, the title of which will be reported.

The Clerk read as follows:

A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The CHAIRMAN. The pending question is on the motion of the gentleman from North Carolina, to strike out the paragraph beginning at line 3, page 4, which, without objection, the Clerk will again report.

The Clerk read as follows:

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, \$100,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1902, and until such time as Congress shall make specific appropriation for the pay of such employees.

The question was taken, and the motion was rejected.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to recur to the provision on the preceding page—the contingent fund.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to the last paragraph on page 3. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I offer an amendment on page 4, line 2, after the word "dollars," to insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 2, after the word "dollars," insert the following:

"And that the unexpended balance of the appropriation of \$10,000 made in the act approved June 7, 1900, to enable the Secretary of the Navy in his discretion to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or who are killed in action, ashore or afloat, outside of the continental limits of the United States, be, and the same is hereby, made available until used."

The question was taken, and the amendment was agreed to.

Mr. FOSS. Mr. Chairman, I desire to insert in the RECORD a letter from the Secretary of the Navy in explanation of the amendment which has just been adopted.

The CHAIRMAN. Without objection, the letter will be inserted. [After a pause.] The Chair hears no objection.

The letter is as follows:

NAVY DEPARTMENT, Washington, May 3, 1902.

SIR: In the naval appropriation act approved June 7, 1900 (31 Stat. L., 685), under the head of "Pay, miscellaneous, contingent, Navy," the sum of \$10,000 was provided "to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States."

Only about one-half of this sum, it is understood, has been expended. The remainder, however, is not available, the Comptroller of the Treasury having decided that the appropriation expired with the fiscal year 1901; and although that officer is now, at the instance of this Department, further considering the question of the availability of the unexpended balance for the purpose intended, I am advised informally that his present view is that the appropriation is an annual one, but that inasmuch as it was entered in the digest of appropriations as "indefinite," it may be used for the payment of such expenses as have already been incurred thereunder, but not for any that may hereafter be incurred.

Requests are frequently received from persons whose relatives in the Navy and Marine Corps have died abroad, particularly in the Philippines, that the bodies be brought home for burial; and while the Department believes that their wishes in this respect should be carried out, compliance therewith at this time is impracticable, owing to the lack of an appropriation. This want, it is thought, will for the present be adequately met by making available the unexpended balance of the appropriation above referred to, and I have the honor, therefore, to recommend the enactment of legislation to that end. For the convenience of the committee the draft of a proposed clause, suitable for insertion in the naval appropriation bill and designed to effect the desired object, is accordingly herewith submitted and commended to favorable consideration.

Very respectfully,

WILLIAM H. MOODY, *Secretary.*

Hon. GEORGE EDMUND FOSS,

*Chairman Committee on Naval Affairs,
House of Representatives.*

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men of the Navy on first enlistment, other than naval apprentices, hospital apprentices, and landsmen under training for seamen, 3,000 men, at \$45 each, \$135,000.

Mr. CANNON. I move to strike out the last word for the purpose of asking a question. This seems to be a new item?

Mr. FOSS. Yes.

Mr. CANNON. Now, is it new to the service or is it an appropriation that dwelt elsewhere?

Mr. FOSS. No; it is new to the service.

Mr. CANNON. Well, authorized by legislation?

Mr. FOSS. For the first time in this bill.

Mr. CANNON. It is legislation, then, as well as appropriation?

Mr. FOSS. Yes.

Mr. CANNON. Well, now, I would be glad to ask my friend why? If I understand it, it is \$45?

Mr. FOSS. Forty-five dollars for each man.

Mr. CANNON. For an outfit they never before have had?

Mr. FOSS. They never before had it.

Mr. CANNON. I would be glad to know why the committee find it necessary, if it is necessary.

Mr. FOSS. This outfit of \$45 provides two suits of blue and two suits of white and underclothing accordingly to the enlisted men. Heretofore they have not had this, and this provision is made upon the recommendation of the Secretary of the Navy and the Bureau of Navigation. As it is at the present time, a man when he enters into the service of the Navy receives about \$15 or \$16 a month, and he is obliged to pay back this \$45 for outfit which is advanced to him.

During that time, say for three or four months, he is not able to enjoy any of the privileges, such as going ashore, and very frequently he becomes dissatisfied with the service and deserts. Members of Congress are frequently called upon to help him out of trouble. Now, the Secretary of the Navy and the Chief of the Bureau of Navigation believe that men who are enlisted in the service would become better contented with their lot, and at the same time it will be an incentive to enlistments of a better and higher class of men, if they are given this inducement. It practically amounts to an increase in salary of \$45 a year. I may say to my colleague that the Army provides for outfits for its men, and that was another reason which was taken into consideration by the committee.

Mr. CANNON. This puts the seamen that are enlisted upon all fours with the Army.

Mr. FOSS. Yes; with the Army.

Mr. CANNON. Now, I would be glad to ask—and I am asking for information—a little later on we come to the naval training school. When seamen are enlisted all their expenses are paid when they go to the training school.

Mr. FOSS. The training schools are not for these men. They are for the boys—the apprentices. The seamen at the present time are trained on ships and not trained at shore stations.

Mr. CANNON. And it is not contemplated that they will be.

Mr. FOSS. There was a proposition coming from the Department to provide for three training stations for enlisted men, but the committee, after considering the question, determined not to establish these stations, but simply have the training stations for boys. The boys enter between 15 and 17 years of age, and too young, really, to go to sea until they have been sufficiently disciplined or seasoned, so to speak, for sea service. There are no training stations in this bill for men, but simply for boys.

Mr. CANNON. Unless it be for officers. However, I will speak of that when we reach it a little later on. I am glad to know that the Committee on Naval Affairs—I think I am glad, but I am not sure—concluded not to have training stations for seamen because they would be upon land. I am very much of the belief,

without being much of a sailor, that a good place to train seamen is on the sea. [Laughter.] I have no desire to antagonize this. The committee was unanimous; it met with the judgment of the committee?

Mr. FOSS. Oh yes; the committee was unanimous. The policy of the committee is to keep the Navy out on the sea, and for that reason we saw fit not to recommend the establishment of other training stations, although the request came to us with a great deal of pressure from the Department.

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Naval training station, Rhode Island: Maintenance of naval apprentice training station, Coasters Harbor Island, Rhode Island, namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street-car fare; purchase and maintenance of live stock and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials and maintenance of same; heating, lighting, and furniture; books, tools, and necessary appliances for petty officers' school; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones and all other contingent expenses, \$55,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Here are two items for the support of naval training stations, one at Newport, substantially, as I understand it, and another at Yerba Buena. I should like to ask the gentleman where is Yerba Buena?

Mr. FOSS. In San Francisco Bay.

Mr. CANNON. The report that the committee makes accompanying the bill, from a hasty glance at it, it would appear that the expenditure at Newport for this naval training station is \$496,000, and then comes an appropriation of \$55,000 for maintenance. Then there comes later on under public works, \$114,000 for additions to this training school. It seems, also, that in degree there is something of the same kind for the training school in California.

Over on page 8 there is also a naval war college that I will not speak of except incidentally until we reach it, down at Newport. There is a pretty large expenditure for maintenance for that and for additions. In the meantime the bill carries quite a large amount for the building and repair of ships. I will ask the gentleman if his committee has given very close investigation to the naval training schools? It seems to me like the Navy, and to some extent the Army, is to go pretty largely into the common-school system, and we are to have education galore instead of fighting and manipulation of the Army upon the one hand and the Navy upon the other.

I will confess that I am not fully informed about it, but still the question arises in my mind as to whether after all we are not going too far in this kind of expenditure, and in the greatest good faith I ask the gentleman about it.

Mr. FOSS. I would like to ask the gentleman to point out these items of expenditure to which he refers.

Mr. CANNON. The report that the gentleman makes, I think on page 36, gives the value of the property at the naval training school at \$496,000. Then there is something for machinery, which I do not happen to have before me—probably \$100,000 or over. Then on page 36 of the bill there is \$114,000 to further extend buildings; whether it be officers' quarters or what I am not clear. I have a surmise that it largely abounds in quarters for officers, who I presume are to instruct these people. I will be entirely frank with the gentleman. I will just ask him his opinion in this connection whether or not the proximity of the fashionable watering place of Newport has anything to do with the naval war college, or that we will come to in the next paragraph, the naval training school and the officers' quarters, if it be officers' quarters that are to be constructed?

I will ask my friend a little later on, if it is appropriate, how many officers are on shore and how many are at sea? I do not think that he and I would disagree as to what is the better policy to be pursued, and I do not know but that even by these surmises I may be doing great injury to the service which we all glory in. If my surmises are correct, then it becomes a somewhat serious question, while we are availing ourselves of our magnificent personnel in the Navy, whether they are not working us quite lively for matters which are not strictly connected with the Navy.

Mr. FOSS. Well, so far as the location of this training station is concerned, I would say to my honored colleague that I presume—in fact, I know—that it was established after the city of Newport was established. But the advantages of a naval station located at that point are, I think, quite evident. I have visited the naval training station. When I was there last I found more than a thousand boys being trained there—a thousand apprentices—and the appropriations which we have made from time to

time have been comparatively small. Take this item, for instance, for maintenance, \$55,000 per year. This, I think, is an increase of \$10,000 over the appropriation of last year. But that is due to the fact that we have more boys there at this time than we had then, and is also due to the fact that there has been established a petty officer's school in connection with it.

Now, it is quite essential that we should train our officers, and that we should train these young boys, on shore to some extent. The Navy of to-day is different from the Navy of forty years ago. We can not measure the needs and necessities of the Navy to-day by the yardstick of forty years ago. The evolution of the modern battle ship brought about a wonderful change. The "Jack Tar" who was the inspiration of Cooper's tales has become a tradition. Old Jack, with his rough exterior, with language largely of profanity, sitting and smoking his pipe—perchance squirting tobacco juice with greater accuracy than the trained gunner of to-day can hit his mark with shot or shell—has become a tradition. "Jack" went off the ship when sails went off, and when masts went off. He went off in the evolution of the modern battle ship. And in his place has come the trained machinist, the trained gunner, the trained seaman; and it requires education to train these men to man the ship and to perform the different duties in connection with the careful manning and officering of the ship, in view of the great complexity of machinery and mechanism which obtains in our battle ships. And so this in some measure is a reason why it has become necessary to some extent to train apprentices and to train officers on shore.

But I would say to my colleague [Mr. CANNON] that we have not gone to the full extent which the Navy Department would have us go in training men on shore, because we have believed we should, as far as possible, keep the men at sea. But we think we are to-day doing no more of this training, this so-called education, than is absolutely necessary for the efficiency of the service.

A few members of the committee, including myself, have visited the naval training stations. We have only two—one at Newport and the other at Yerba Buena Island, in San Francisco Bay—and the appropriations for these naval stations have been reasonable from year to year and comparatively small in amount. The whole investment in each of them is not very large. Gentlemen refer to the one at Newport, which, I think, has cost us less than \$500,000. That is the larger training station of the two; there are more boys there than at the other.

Now, I think with this information this provision ought to pass the judgment of the committee.

Mr. CANNON. Mr. Chairman, if I may be allowed, I will rise to oppose the amendment. Now, let us take up this question in connection with Newport. Turning to the statement on page 7 of the report of the committee, we find that there is at Newport, R. I., a naval torpedo station, with "real estate and chattels" valued at \$245,000, and machinery \$59,000.

Mr. FOSS. That is separate and apart from the training station.

Mr. CANNON. I know; but somehow or other there comes now for the support of this torpedo station an appropriation of \$65,000 on page 12 of the bill. Then there is the naval training station; and then comes the War College. Now, we have about 12,000 or 15,000 miles of coast line. I will just ask my friend the plain direct question, if he knows whether or not the happening of these three institutions—the War College, the training station, and the naval torpedo station, all centered down there at Newport—whether the officers and men are on duty the year round or only during the warm season, and whether the schools vary in size; or, to make a long story short, if my friend knows, I would be glad to have him tell us how many officers there are there and about how many apprentices; and just between us now, is this a polite way of taking an outing at a summer watering place? Is this matter accidental, or is it on purpose?

Mr. FITZGERALD. Let me suggest to the gentleman that the superior facilities at Newport in the way of location and depth of water had a great deal to do with the selection of the place.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DAYTON. I ask that the gentleman's time be extended.

Mr. CANNON. I do not desire it.

Mr. DAYTON. Oh, yes; we want to have the gentleman's views on these matters.

The CHAIRMAN. Does the gentleman from Illinois desire further time?

Mr. CANNON. Oh, no. But I should like to know how many of these officers there are, because we are to come to this naval college matter in a moment, and perhaps we had better understand it now.

Mr. WATSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from

Illinois. I would like to ask whether the gentleman is opposed to these institutions per se or opposed only to their location?

Mr. CANNON. I hope my friend will allow me two minutes to answer him. I am in entire touch with the utterances of one who seems to me to be a man of great ability, holding a great place, of very recent date, and I read as follows:

Even in time of peace a war ship should be used until it wears out, for only so can it be kept fit to respond to any emergency. The officers and men alike should be kept as much as possible on blue water, for it is there only they can learn their duties as they should be learned, etc.

I have read from the message of President Roosevelt to this Congress in December last.

Mr. WATSON. I think that is correct.

Mr. CANNON. Now, then, we might just as well have it out right here. The next item is the Naval War College. What is that for?

Mr. TAYLER of Ohio. Instruction of officers.

Mr. CANNON. I would like to know if the Naval War College is for the instruction of officers?

Mr. DAYTON. May I answer the gentleman?

Mr. CANNON. My question is asked in good faith.

Mr. DAYTON. I know that and I want to answer the question of the gentleman. If the gentleman will take occasion some time at his leisure to read the hearing No. 63, in reference to this war college, I think he will find out that some of us were impressed with the same ideas that he had, and had a purpose to inquire pretty fully into what this war college was established for. I have not time to read that whole statement, but I will try to give him the substance of what is done at the Naval War College. It is an institution established for the purpose of the study of the arts of war, of military rules and actions, by the officers of higher grades.

In other words, it is the study of the art of war by those who are about to or have assumed commanding rank. Its purpose further is to study and to educate officers in all questions of international law. It is recognized to-day as the leading college on international law in this country, if not in any other country. Now, let me illustrate just what the class of studies there are in one particular. Problems are studied every year. It is supposed that war should spring up between this country and some other country and that its basis of action should be at a certain point. All the charts are studied, all the plans of that campaign are worked out in detail by these officers who are there present.

They are carefully preserved. There are hundreds of cases, many cases involving a naval campaign at almost every point on our coast, and in all parts of the world, in fact, and all the details of a plan of campaign under those circumstances are considered by the officers at this Naval War College for the purpose of determining what would be the action of each of the sides engaged in the controversy and what preparations would be made. In addition to that, the charts of the locality are carefully studied, and all, as I said a moment ago, of the details of the campaign are worked out, so that if we should have war with any one of the powers that would involve any question similar to that, the consensus of opinion of a number of the best officers, those of the higher rank, as to what should be the course and conduct of that campaign will be all worked out there in detail. That is in substance the purpose of it.

Mr. CANNON. I will ask my friend how many officers attend this Naval War College?

Mr. DAYTON. Well, the number varies. Last year there were 28 of them that joined and worked out the scheme of what might be a possible war.

Mr. CANNON. How long were they on duty?

Mr. DAYTON. They were on duty six months, I suppose. I do not know; possibly less. They were studying these problems.

Mr. CANNON. During the summer season or in the winter time?

Mr. DAYTON. The school goes on in the winter time and in the summer also.

Mr. CANNON. Well, mostly in the summer time or mostly in the winter?

Mr. DAYTON. I do not think there is any difference.

Mr. CANNON. Now, I want to ask my friend another question. These people that attend this Naval War College are the highest officers, are they not?

Mr. DAYTON. Above the rank of lieutenant-commander, usually; those who are about to assume and be responsible for and command vessels in case there should be war.

Mr. CANNON. A lieutenant-commander is generally about 50 years old before he gets his commission, is he not?

Mr. DAYTON. Less than that now.

Mr. CANNON. Well, 40 or 45.

Mr. DAYTON. Well, I do not know what the age may be. It depends a great deal upon circumstances.

Mr. CANNON. I will assume him to be 45 or 40 for the

purposes of the argument. To begin with, we will soon have an \$8,000,000 Academy finished down here at Annapolis, with a six years' course, I believe, is it not?

Mr. DAYTON. No; four years, and two at sea.

Mr. CANNON. Well, we call it a six years' course.

Mr. DAYTON. But it is only four years at the Academy.

Mr. CANNON. Of education in the Naval Academy.

Mr. DAYTON. Yes.

Mr. CANNON. And the man goes to sea. About a third of them, as I recollect the last report a year ago, were on shore duty. And he goes along and finally gets his grade in peace and war, performing his duty on the great battle ships and the cruisers until he gets to be 40 or 45 years old. Then he comes back and goes upon shore duty and in the summer and the winter both, if you choose, but anyhow at Newport, he goes to this Naval War College.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I hope I can have a minute or two more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DAYTON. Now, will the gentleman pardon me just one remark?

Mr. CANNON. Yes.

Mr. DAYTON. I would be in entire sympathy with my friend in combining these colleges at Annapolis if that were possible. Unfortunately these institutions have been located at Newport. At one time it was suggested, and there was a strong sentiment in favor of it, that the Academy be moved from Annapolis to Newport, because I may assure the gentleman that there is no question that the surroundings—I do not mean the social surroundings, but I mean simply the harbor and the physical conditions—at Newport are very favorable to naval institutions of this character. The torpedo station is situated on an island that is entirely separated, as I understand it, from the city proper; but these institutions have been located there.

Now, I hope the gentleman will read the hearings for the purpose of determining the purpose and object of this naval war college and these other institutions. If he will do so, I think he will see that there is justification, not alone in having men understand the management of a ship at sea, but also in having them study every inch of our coast line, study every one of our harbors, study every possible contingency that may arise in a naval conflict in those harbors and in those waters, and study all the questions of how they shall obtain supplies, where the base of supplies shall be, and how a commanding officer shall prepare himself in case it should come upon him to be in charge of the fleet in time of battle there, and that is what they study.

Mr. CANNON. That is, about eighteen or twenty of them.

Mr. DAYTON. Every year. All of them get that training. There are only seven there permanently.

Mr. CANNON. Oh, seven there permanently.

Mr. DAYTON. Only seven there permanently in charge of the station.

Mr. CANNON. And as high as eighteen or twenty in the summer.

Mr. DAYTON. Last year, twenty-eight.

Mr. CANNON. Twenty-eight?

Mr. DAYTON. As they come on shore to study these problems.

Mr. CANNON. And they are all men over 40 and most of them over 50 years of age, drawing on blackboards what they would do in the event there was a breach presentation or a head presentation, and so on.

Mr. DAYTON. All these plans of war or conflict are carefully preserved for use in the library, and are strictly confidential.

Mr. CANNON. Now, I will just turn over to page 37 of the bill and ask my friend what is this appropriation for?

Naval War College, Rhode Island, buildings: Building and furnishing a fireproof annex to the college, with a covered connecting bridge, \$80,000.

Mr. DAYTON. I will simply answer the gentleman that this fireproof building is for the purpose of keeping these records, that are confidential in their character, and the other valuable papers that this college has.

Mr. CANNON. Then I understand that they have naval quarters there for these officials?

Mr. DAYTON. Oh, no; I think not.

Mr. CANNON. For the seven people?

Mr. BULL. If the gentleman will allow me, they have about thirty or forty naval officers there at every session of the war college.

Mr. CANNON. Have they quarters?

Mr. BULL. Only for the president. The officers are quartered in the city of Newport.

Mr. CANNON. Quartered in the city of Newport. Does the Government own the quarters there?

Mr. BULL. No, sir; the Government owns the college building.

Mr. DAYTON. They live in four rooms in the college building. I want to say to the gentleman.

Mr. CANNON. Well, I just wanted to see whether or not this was leather and prunella and an excuse, or whether there was real service in this Naval War College. Now, I want to express the belief of a man who does not know much about the sea, that you may take men who have been at sea until they are 45 years old, and then bring them together in a Naval War College to study what they might, could, would, or should do if a battle should come, and in my opinion, modestly expressed, it does not amount to the snap of a finger. Why, I had a friend once who told me that he took a whole month in posturing and seeing which knee he should get down onto, and trying to find out which hand of his sweetheart he should seize, and how low he should duck his head when he popped the question. "Well," said I, "how did you get along, Jim?" Said he, "By jing, I forgot all about it, and I asked her if she would marry me and kiss me, and she said 'Yes.'" [Laughter.]

Mr. GROSVENOR. Mr. Chairman—

Mr. CANNON. I do not believe, gentlemen—

Mr. GROSVENOR. I want to ask the gentleman a question.

Mr. CANNON. Yes.

Mr. GROSVENOR. Do you think because you understand all these things that the average American youth does not have to be educated up to the point? [Laughter.]

Mr. CANNON. I would say, from the complexion of my good friend, that it did not take any war college to enable him to get along in all these emergencies. [Laughter.]

Now, as to the serious side of this matter. It is easy to find fault. I have been in this House too long to find fault recklessly, and I guard my words while I talk for a minute or two. Now, the surmise arises in my mind whether or no the greatest threat to the American Navy to-day is not the fact that one-third of the 1,700 or 1,800 officers are not upon salt water, but upon the land, in the performance of duty, in many instances, that civilians should perform.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CANNON. But my friend took nearly all of my time.

Mr. DAYTON. I ask unanimous consent that the time of the gentleman may be extended.

The CHAIRMAN. Is there objection to the time of the gentleman being extended? [After a pause.] The Chair hears none.

Mr. CANNON. I am quite in harmony with the recommendation of the President of the United States that no naval officer, with the growing Navy, should be performing duty anywhere upon shore that a civilian can perform.

Mr. GAINES of Tennessee. Mr. Chairman, only one moment, I want to ask my friend where these men are at work and what are they doing on shore.

Mr. CANNON. Oh, my friend, you will find, down at the Navy Department, quite many of them there. I will refer my friend to the Navy Register for that, and the report of the committee.

Mr. GAINES of Tennessee. I am really anxious to find out.

Mr. CANNON. I have got a report made a year or two ago that gives it, and my friend in charge of the bill says it is in his report.

Now, then, in the greatest good faith, without any demagoguery about Newport, or this or that or the other, because I have a pride in the personnel of the American Navy; but we are building more ships here. This bill mounts up to \$70,000,000, and I am in favor of building more ships. I am in favor of having a Navy that will answer the purposes of the Republic, and will stand sufficient for the new duties that have been growing, and have been thrust upon us in the performance of our duties to the nations of the world; strengthening our diplomacy and making us ready for any emergency. But I do believe that it is the duty of this committee, and our duty as friends of the Navy, to see to it that the President's recommendations are carried out. And we are going to have more officers, when we are enlarging the institution at Annapolis. I believe we should utilize the naval officers upon the sea. Now, then, I have laid the foundation for the statement by the various inquiries that I have made. Now I will yield to the gentleman from Kentucky.

Mr. WHEELER. If the gentleman will permit me, I desire to indorse very heartily what he has stated in reference to keeping our naval officers upon the sea, and I wish to suggest to him how he can accomplish that result. If he will adopt the suggestions of the Secretary of the Navy who has just retired, and will induce his colleagues upon this side of the Chamber and upon the other side of the Chamber to carry into execution those suggestions, he will favor the consolidation of bureaus that in my

judgment are cumbersome and some of them unnecessary, and put three to four hundred officers upon the sea and give no further excuse for keeping them on the land.

Mr. DAYTON. How can we send three or four hundred more officers to sea when there are less than three hundred on land?

Mr. WHEELER. There are between seven and nine hundred officers off on shore leave and on land duty.

Mr. DAYTON. There are 272.

Mr. FOSS. There are 1,017 altogether.

Mr. CANNON. I would like to conclude this sentence. [Laughter.]

Mr. DAYTON. We have only 1,017 officers altogether.

Mr. WHEELER. There were seven hundred and some odd ashore last year.

Mr. DAYTON. You are mistaken.

Mr. CANNON. Now, I believe in the statement of the gentleman from Kentucky. If these bureaus in the Navy Department should be consolidated—I am not a naval expert, but I think I know, I believe I know it to the standpoint of absolute conviction, so that if I had the power to do it I would do it in the twinkling of an eye. [Laughter and applause.]

But let me state, gentlemen, that in my judgment it is not going to be done. Why? It is the easiest thing on earth to create an office. It is the hardest thing on earth, from a legislative standpoint, to abolish an office [laughter]; and when you come and talk about moving out the heads of these bureaus, and the naval officers that are in them, and sending them to sea through the consolidation and the employment of civilian people to perform the duties now committed to them, you strike "the sisters, the cousins, and the aunts" of all of us. [Laughter and applause.] And you are not going to do it. I wish it could be done. [Renewed laughter and applause.]

Mr. MUDD. I would like to ask the gentleman a question.

Mr. CANNON. Very well.

Mr. MUDD. I would like to inquire if it would meet with the approval of the gentleman's views to provide that retrenchment, which I am always anxious to promote [laughter], if the establishment at Newport should be transferred to Annapolis and have it all at one place?

Mr. CANNON. Mr. Chairman, I have always known the gentleman as an able leader and a faithful representative of his constituents. I am now glad to welcome him to the great society of humorists, and he is one of the best I know of. [Laughter.] Now, I do not want to grow into a common scold. I do believe it is impossible to do it in the Committee of the Whole House, but I do believe that the Committee on Naval Affairs, in vacation if necessary, should take hold of this whole matter with a vigorous grip. It is necessary for the good of the Navy, and twice necessary, in my judgment, for the good of the people. [Applause.]

Mr. HEPBURN. Mr. Chairman, I do not want to attack in any way this particular provision with relation to the education of apprentices. I do not know how important it is, but I assume that it is important. I do, however, want to make some suggestions with reference to the extraordinary expense that this Government is at through, as I believe, the improper employment in a large degree, at least, of high-priced naval officers in the performance of a duty that ought to be performed by civilians. We have here a Navy Department, and it is a part of the civil government. Its object is for the control of the Navy of the United States, and yet in the Navy Department to-day in this city there are 114 naval officers, and within 40 miles of this Capitol there are to-day 204 naval officers, as shown by the last Navy Register.

We are all proud of the Naval Academy, and that pride was evidenced by the large, bountiful, munificent appropriations made only a year or two ago for the purpose of properly housing that establishment. It is supposed that that is a place for the education of naval officers, and the popular idea is that that education is being conducted as is the educational matters at other institutions. And yet we have there on duty now 59 naval officers, in addition to the professors and the others engaged in instruction in the scientific departments of that institution.

We graduated, I am told, 58 cadets at the last commencement. We have 59 officers there, one more than we graduated, and if you include the whole number of cadets you have but a little more than 4 cadets to each one of these officers. I believe there is something wrong about it. I think it ought not to be.

Let me call the attention of the House for a moment to the conditions there. At the Naval Academy we have 4 commanders, we have 14 lieutenant-commanders, we have 22 lieutenants, we have 13 lieutenants of the junior grade, we have 6 other commissioned officers, surgeons, pay inspectors, etc. We have 4 professors of mathematics, and we have 14 of the high-priced warrant officers.

Now, if this is necessary—if it is necessary to have this great staff in addition to the instructors that are there, all right; but if

this is in accordance with the practice of finding comfortable places, secure corners and nooks where these gentlemen may be ensconced, I think it ought to be stopped.

One of the reasons which I would urge against the construction of ships in our navy-yards is that I believe that practice would simply justify on the part of officers controlling themselves in the Navy Department the flooding of these stations with unnecessary officers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HEPBURN. Very well.

Mr. BUTLER of Pennsylvania. The very point the gentleman is now discussing has been in my mind many times, and having great confidence in the gentleman's wisdom as well as his experience, I would like to ask him a question. All these officers claim that they have a right to be at home during some period of their service, will my friend give me a plan which in his judgment would be wise, one by which they could be permitted to divide their time between shore and sea service? This is a proposition I have had in my mind a long time and I have not been able to satisfactorily work it out.

Mr. HEPBURN. The domestic arrangements of every man must be arranged by himself.

Mr. BUTLER of Pennsylvania. Would my friend keep them at sea all the time?

Mr. HEPBURN. I do not think that the fact that a man has a family is a matter for his Government to consider, when it proposes to settle his pay and to provide for his duties. I know there was a time, for nearly four years, while I was in the military service of the Government, that no solicitude of that character seemed to be manifested on the part of the Government toward me. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BUTLER of Pennsylvania. I ask unanimous consent, Mr. Chairman, that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Iowa may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. The question the gentleman from Pennsylvania has asked me I can not answer, and it is not for me to answer, nor for any other member of this House. That is a matter for each man to determine for himself. If he can not perform the duties that the Government has imposed upon him, the duties that he himself undertakes to perform, and hold proper relations to a family, that is his business, and not mine.

I believe that this idea that each man has a right, after a three years' cruise, to three years shore duty, is an assumption rather than a fact. He has no such right. He has no right to assume that the Government will recognize a right of that kind. I believe that when at sea—certainly during times of peace—there is no class of men receiving the same compensation who undergo so little of hardship and who have so snug and comfortable a berth as have our naval officers. [Applause.] I do not believe that three years' sea service is of such extreme and rigorous character—calls for such fortitude or self-denial—as to entitle the officer to three years of leisure afterwards. There is nothing like that "nominated in the bond."

Mr. BUTLER of Pennsylvania. Will the gentleman from Iowa allow a single suggestion? It is also said in opposition to the arguments made by the gentleman from Iowa that to keep all these officers at sea will entail upon the Government an unusual expense; that it costs a great deal of money to keep a ship in commission; that there are certain times when a ship must be laid up for repairs; that our ships can not be at sea all the time, and our naval appropriations would be very much larger if we kept enough ships in commission to keep these officers of higher grade at sea all the time.

Mr. HEPBURN. If it is true that our ships do not keep pace in their growth with the growth of the Naval Register, then I would take some of the names off the Naval Register.

Mr. VANDIVER. Will the gentleman from Iowa allow me a suggestion in the line of his remarks?

Mr. HEPBURN. Certainly.

Mr. VANDIVER. The argument made for increasing the number of officers in the Navy Register is that we have not enough men to officer our ships, and therefore this bill provides for increasing the number by adding 500 more cadets.

Mr. HEPBURN. I was coming to that point after a time.

Mr. VANDIVER. I want to say that I appreciate the gentleman's expressions, and agree with them.

Mr. HEPBURN. We have now 22 rear-admirals. We have not commands for them. On the contrary, we have proper commands for only 7 rear-admirals. According to this register, we

have 70 captains to command ships; and yet as I read the register we have but 29 officers of that grade in command of ships.

I do not know that I want to make any other criticism than this, that the functions of the Navy Department, like those of the War Department, have been usurped, through usage, by a class of men that have no business there. Those offices in those two Departments are civil in their nature; they ought to be filled, at least in a large degree—except where expert knowledge is necessary—by civilians; and these men, trained to military or naval duties, ought to be placed where their education fits them for service.

I am told that it costs us \$10,000 to graduate an officer at West Point or at the Naval Academy. After we have gone to that expense, why put these men in civilian places? Why put these high-priced men in situations which in the other departments are filled by \$2,000 or \$2,500 clerks? This practice will be continued just as long as the Navy Department is controlled by the Navy or the War Department is controlled by the Army. I do not believe a proper order of things will be possible until those two great Departments are restored to their proper places as part and parcel of the civil government of the United States.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened with much displeasure to the remarks of the gentleman from Iowa [Mr. HEPBURN] in opposition to the "shore duty" of the personnel of the Navy. I am very much in favor of shore duty for the Navy. It is my peculiar privilege to-day to defend the Navy, its honor, and its prestige, and its personnel. I may say that in a certain way I have an inherited duty to defend a certain class of the Navy—the landlubber part that stays ashore all it can. None of my family, except myself, have for six generations been "down to the sea in ships."

Now, Mr. Chairman, in connection with the performance of that duty I want to call the attention of the House to the time-honored fact that the "nine Muses" have always been the defenders of the heroes of land and sea battles. It is in poetry that the heroism of men appears to the best advantage. Half of the old worthies of the old time would have been lost sight of but for Homer. I want to read now a piece of poetry—a perfect piece of inspiration in my opinion—suggested by recent naval occurrences, which confirms the old idea that a man frequently owes his reputation to the inspiration of the Muses and to the comments that are made upon him by the worshipers at the altars of the Muses.

Who this worshiper is, who the author of these lines is, I do not know. I would scorn to inquire, because what he says is so absolutely perfect that his own "personnel" (to use a naval phrase) cuts no figure in the premises. You all remember that beautiful old-time poem about the battle of Blenheim and the glory of Marlborough and of Prince Eugene, and the little boy who wanted to know how it all came about. The author of these lines seems to have had that poem in his mind:

"Oh, who is Crowninshield, papa,
That he should have the best
Of everything there is to have
And shine o'er all the rest?"

"Great Crowninshield, my son, has done
A lot of wondrous things,
And now he reaps the proud rewards
That virtue always brings."

"What were the virtuous deeds he did,
That he should simply name
The things he wants for his rewards
And straight annex the same?"

"Oh, you can never understand
The wonders he has done;
The fight they made on Schley he planned,
And that was great, my son."

"What other fights were fought by him
Whose flag so proudly flies
High on our greatest ship, before
The world's admiring eyes?"

"No other sailor ever sat
Behind a desk and fought
As glorious a fight as that,
Or planned as grand a plot."

"But when and where did Crowninshield
Stand on the bridge and show
His 'bullies' how to train their guns
Against the firing foe?"

"Oh, lie upon your 'firing foes'
And 'bullies' and such things!
Great Crowninshield sat at his desk
And deftly pulled the strings."

"And was that all he did, papa,
That he, with bulging chest,
Should head the list of heroes now,
Eclipsing all the rest?"

"Go out and chase the put, my son—

I do not know what "put" is, unless it refers to the declaration that the American flag has "got to stay put," a highly ungram-

matical but strenuously Presidential phrase; but I will leave the phraseology to the poet—

"Go out and chase the put, my son,
And bother me no more;
Great Crowninshield's the greatest tar
That ever stayed ashore."

[Laughter and applause.]

And yet the gentleman from Iowa [Mr. HEPBURN], with that audacity that characterizes him, would deprive the heroes of the Navy of the opportunity of earning immortal and unending renown by "staying ashore" and "deftly pulling the string." Does he not know that a naval officer has no particular opportunity for promotion without an opportunity to "stay ashore" and "deftly pull the string?"

Mr. Chairman, it has not been long since the American people were somewhat aroused by a naval investigation of a man by the name of Schley, who took an insignificant part in the battle of Santiago.

The American people have concluded, without any reason, without any common sense, without any experience, contrary to all the expert knowledge of the Navy Department, that because this man simply happened to be on the bridge and happened to be telling the "bullies" how to shoot and whither to shoot, that he had something to do with the battle of Santiago. It just happened that a great "naval expert" by the name of Maclay wrote a history of the Navy of the United States, and it just so happens that that naval history was adopted at the Naval Academy at Annapolis—by whose insistence, by whose suggestion, I know not.

It just so happens that the author of the book mentioned, while he was writing it, in his introduction, says that he had had the proofs of the book submitted to this great "tar" who won his repute by "staying ashore," Crowninshield—or, as he is called since he went to England on coronation duty, Crunshell—and that he had it submitted to a great many other people connected with the last and with the present Administration, and that they approved of it. Now, this fool American people who do not know anything about naval affairs, and have not any particular sense, concluded that the man who happened to be there and in command of the ship that received the most shots and would have been sunk if it had not made the "loop," had a little something to do with the battle of Santiago, and a man in Congress, a fellow from down South—"away down South in Dixie"—who did not have any better sense, introduced a set of resolutions early in this Congress, which I will now read to the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KLEBERG. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Now, gentlemen, to quit badinage a while, let us just examine into what constitutes the right relationship between gentleman and gentleman and officer and officer in the Navy or in the Army of the United States. Suppose that I were a superior officer in the Navy or the Army. Suppose that I had reason to believe that an inferior officer had been cowardly or had been untruthful in his conduct, what would be my duty? To ask and to try to get a court-martial or to prefer charges against him for what he had done. Would it be a part of my duty to go out and pick up a little whipper-snapper somewhere in the employ of the Government as a laborer, have him write something and look over his proofs and approve and indorse them, and have him make an attack in the rear upon my brother officer? I imagine not. I imagine that would be ordinarily considered "conduct unworthy of an officer and a gentleman."

Has that sort of conduct taken place? I do not know. Nobody knows. We do know it has been charged, and we do know that this Congress has absolutely failed to investigate it. Now, a Presidential ukase has been sent abroad that talk about this Schley matter must stop, in official circles at any rate. Thank God, they can not stop it amongst the American people altogether, provided the American people want to talk about it. But I have never wanted to investigate the Schley matter any further. That has been investigated sufficiently, and not only the American people, but the people of the entire world, with honest hearts and clear brains, have concluded that whatever else is true, that whatever else is false, one thing is true, and that is that Admiral Schley was neither a coward nor a liar. [Applause.] The American people know that, if he had never been in the battle of Santiago, his exploits upon the Greely relief expedition branded him a man all over, and a man with a courage much rarer than the courage which men must have in battle, because in battle the shoulder to shoulder feeling of men encourages the coward now and then, out of pure pride, to play the part of hero.

But when a man goes away up to the arctic circle upon one of

these relief expeditions, and has to battle upon the hurricane deck of the ship against the wind and the cold, and has to take care of his men and keep his presence of mind about him, it requires a courage far above the "hurrah, here we go" sort of courage that takes place in battle.

This resolution was introduced. I want to call the attention of the House to it, and I want to know why it now sleeps the sleep of the just—and I will undertake to say that it is the sleep of the just—in the Committee on Rules:

Whereas—

Is there a word in it that is not true—

one E. S. Maclay has written a history of the Navy of the United States which was adopted for use at the Naval Academy at Annapolis—

Did he write it? Was it so adopted or not?—

And whereas in said history said E. S. Maclay denounces Rear-Admiral Schley as a liar and a coward—

Did he or did he not?—

And whereas said Maclay is reported to have alleged that the proof sheets containing these charges were submitted to one Capt. A. S. Crowninshield, Chief of the Bureau of Navigation of the Navy Department, and approved and acquiesced in by him—

That was reported, was it not? Did you not all of you see it in the newspapers everywhere? It is merely asserted that it was so alleged—

And whereas said Maclay was at the time of the writing of the said history and is now—

He is not at this moment, but he was at the time of the introduction of these resolutions—

in the employ of the Navy Department of the United States, notwithstanding the scurrilous character of the charges made by him in said history;

And whereas said facts disclosed a state of things subversive of honorable conduct and consideration among officers of the Navy and employees of the Navy Department: Now, therefore, be it

Resolved—

Now what? No great bombshell, no anarchy, simply this—

That a committee be appointed by the Speaker for the purpose of investigating and reporting to the House of Representatives the truth or falsity of the said statements as made by said Maclay, the truth or falsity of the allegations that the proof sheets were submitted to and acquiesced in by said Captain Crowninshield, and to report to the House of Representatives the course of action to be pursued by the House in consequence of the ascertainment of facts to be made by said committee.

Gentlemen, I have heard a great deal here in the last two or three days about attacking the "honor of the Army" and attacking the honor of the Navy of the United States. We seem to have come almost to the point to which the French Republic came a little while back, when the civil authorities dared not acquit an innocent man for fear that the nation of France might meet with the rebuke of the army of France—in the Dreyfus case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARTLETT. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not expect to use the time allotted to me. I have heard a great deal here lately upon the line I have just referred to; but I want to call your attention, Mr. Chairman, to this, that an attempt to maintain the principles of humanity in the Army and an attempt to maintain and secure the principles that ordinarily prevail among gentlemen in the Navy is not an attack upon either the Army or the Navy. It is, upon the contrary, a defense of the historical and traditional esprit du corps of both.

I listened with much surprise yesterday to the remarks of my grave and reverend friend from Pennsylvania [Mr. Grow]—a gentleman who has identified himself with the history of this country in more than one worthy way—when he undertook between the lines to justify Smith's inhuman order in the Philippine Islands "to make a howling wilderness of Samar" and "to kill all—10 years old or over," by citing what he said was the conduct of the Federal Army on Sherman's march to the sea and on Sheridan's trip through the Valley of Virginia.

Mr. Chairman, I am a Southerner, and I am a son of a Confederate soldier and a Confederate officer. He left me many broad acres, and he left me many things to render easy my course through life. He left behind him with me a heritage of love and affection; but he left me nothing, in my estimation, as valuable as the recollection of his courage upon the battlefield in meeting soldiers almost as brave upon the other side. Mr. Chairman, standing here as a Southerner and the son of a Confederate soldier, I hurl back the comparison made by the gentleman from Pennsylvania.

Neither under Sherman nor under Sheridan, neither on the march to the sea, nor through the Valley of Virginia, while houses were being burned and stores and supplies were being destroyed according to the rules of war while many things were being done to prove true Sherman's remark, "War is hell"—and now

and then contrary to them—neither on the march to the sea nor on the march through the valley was ever an order issued by a Union officer to make either place "a howling wilderness," nor to "kill everything," men and women, "above the age of 10 years." Neither upon the march to the sea nor on the trip through the valley of which Sheridan boasted afterwards, when he had gotten through with it, "that a crow must carry its own rations, if it wanted to cross it," did Union soldiers reduce themselves to the degradation of habitually committing rape and murder, nor any officer to the deeper degradation of ordering either.

It is not my ancestry that is slandered by the gentleman from Pennsylvania; it is the ancestry of the Northern section of this country, if anybody. But as an American citizen, as the son of a "rebel" soldier, as a man who is intensely American, although he is intensely Southern, I want the world to know that when civilized men were fighting civilized men upon the American continent—one of them in behalf of the cause of the preservation of the Union as he understood it, and the other in behalf of the cause of local independence as he understood it—that the watchword was chivalry and fair fight, and that women were not subject to insult and rapine, and that boys were not murdered because they had reached the "age of 10."

Why, Mr. Chairman, have we reached the stage when the Army is greater than the nation, when the criminals in the Army can not be held up to the execration of the good men of the country? If we have, this cry, which has been uttered by some people, that the Republic had already ceased to exist and the empire and despotism had taken its place, is demonstrated by the very fact itself.

Why, away back years ago when you first embraced this new-fangled theory of American expansion over non-American and un-American territory, when you began this newfangled scheme of extending the American flag where American principles could not go, when you began this new policy of annexing oriental and inferior populations and oriental countries, thereby poisoning the body politic by the admixture of their inferior blood or else tempting ourselves to deeds of tyranny or cruelty, I called your attention upon the floor of this House to what you would have to face.

The history of the white people all through the history of the world is written unerringly so that anyone may understand it. Wherever a higher civilized race comes into conflict with a savage race through the fact of war, the civilized power resorts to savage methods, provoked by the savage character of the foe whom it opposes. Opposing barbarians, they think themselves entitled to become barbarians. What is the lesson to be drawn from it? Go ahead and exterminate the savage foe or the semi-savage foe? No; the lesson is to keep yourselves within the limitations and boundaries which God has fixed for the races of the world, securing the happiness of your own people and admitting the independence and liberty of other peoples. [Loud applause on the Democratic side.]

Mr. GROSVENOR and Mr. GROW rose.

The CHAIRMAN. The gentleman from Ohio is recognized. The Chair desires to call the attention of the committee to the fact that all this debate is practically proceeding by unanimous consent.

Mr. GROSVENOR. Mr. Chairman, I want to speak, not upon the vexed question of Schley or anti-Schley so much as to reply to the demand or challenge that was made to the Committee on Rules by the distinguished gentleman from Mississippi, who demanded to know why certain resolutions, with a series of preambles, had "slept the sleep of the just." I believe he termed it, in the Committee on Rules. I thought it proper to make a brief answer to that statement, inasmuch as it seems to be a sort of common purpose to assault the action of the Committee on Rules upon all occasions and to lay at their door any evil or disappointment that comes to a member of the House.

This resolution came to the Committee on Rules. Prior to that time Admiral Schley had made a request, or in the nature of a demand, for a court of inquiry to investigate the subject-matter of the dispute that was in the public mind in regard to the battle of Santiago and kindred topics, among which was the Maclay matter. That court had made an inquiry, had taken a vast volume of testimony, and had reported upon it. The verdict of the court was before the people of the country and it had been submitted to the Navy Department for approval or disapproval. Admiral Schley, with very able counsel, who had also appeared for him before the court of inquiry, went to the Department and filed exceptions to the report of the court.

A very elaborate and a very able presentation of his claim was made to the Navy Department, and the report of the Navy Department was made upon that appeal. Then about the time these resolutions, not far from the time—there have been so many of them that I can not give the exact date—Admiral Schley appealed to the President of the United States to set aside the finding of the court of inquiry and the approval of the Navy Department

and to reexamine the question of facts, and made such an elaborate and able showing to the President that he decided not only to examine the entire record of evidence in the case, but upon a single question about which evidence was excluded by the court of inquiry the President saw fit to take the testimony of additional witnesses, as well as the original official reports of the battle and the campaign, and also the entire testimony taken before the court of inquiry.

Thereupon the President was considering these questions, and after a long delay, which seemed to involve a very careful examination of the whole subject, in which these ex parte arguments made by the counsel for Schley were considered, the President made his report, which went to the country. Thereupon Congress, either through the instrumentality of a single resolution of the House, or by concurrent resolution, or a joint resolution of the two Houses, ordered the printing of the entire testimony, all the briefs and arguments, as I recollect, all the appeals made in the case, first from the judgment of the original court of inquiry; second, the approval of the Navy Department to the President, and finally, the elaborate decision of the President himself. All these were ordered printed and are to be circulated in the country, the entire proceedings in relation to this vexed question.

I should also say that the man Maclay had been peremptorily driven out of the service of the United States by the President himself, and his book had been suppressed. Thereupon it was the unanimous opinion of those members of the Committee on Rules, so far as I remember, and so far as I heard expression, that portion of it that discussed the subject when I was present at least, that to make a report on these resolutions would be the unnecessary agitation of a most unfortunate question, a question that was giving the country more irritation than satisfaction.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I have no recollection that the question of reporting this resolution was ever heard in the full Committee on Rules.

Mr. UNDERWOOD. I was about to ask if the two minority members of the committee were present.

Mr. GROSVENOR. Probably they were not. The gentleman from Alabama knows how business proceeds in the Committee on Rules [laughter], and those of us who have been longer here know how it has proceeded at other times, whether the House is Democratic or Republican.

Mr. WILLIAMS of Mississippi. Will the gentleman pardon me a question?

Mr. GROSVENOR. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman from Ohio know whether the President ever ordered any investigation to find out whether Captain Crowninshield ever indorsed Maclay's history?

Mr. GROSVENOR. I do not know whether he did or not.

Mr. VANDIVER. What does the gentleman from Ohio mean when he says that Maclay's book had been suppressed?

Mr. GROSVENOR. I understand so.

Mr. VANDIVER. How and in what way?

Mr. GROSVENOR. Ordered not to be used in the Naval Academy. At any rate, public opinion had suppressed it.

Mr. FOSS. May I interrupt the gentleman? I have here a letter signed by Commander Nicholson, of the Bureau of Navigation, which I would like to read:

I have just communicated with the Superintendent of the Naval Academy, and he tells me that the first and second volumes of Maclay's Naval History have been in use at the Academy for several years before the Spanish war. The third volume—

That is the volume to which the gentleman refers—never has been used, and it has never been the intention to use it, as, apart from its reference to Admiral Schley, it is considered inadvisable for the purposes of instruction at the Academy.

He also tells me that he doubts if there is even a copy anywhere in the library of the Naval Academy.

Mr. GROSVENOR. That is a good specimen of about the whole of this trouble. The whole United States has been permeated and been impressed with the idea that the Navy Department was forcing upon the cadets at Annapolis this history of Maclay's. Now, it turns out that it is doubtful if there is a copy of the book there. And certainly none of this third volume has been used as a text-book.

Mr. WILLIAMS of Mississippi. Will the gentleman tell me why it was necessary to issue an order to prevent the use of the third volume of Maclay's history if it has never been used?

Mr. GROSVENOR. It does not appear that there was an order suppressing it.

Mr. WILLIAMS of Mississippi. I understood the gentleman to say that there had been an order issued.

Mr. GROSVENOR. The public had been informed by the Navy Department a long time before that the book would not be used. I do not know whether it was in the form of an order or not, but it turns out that it never was in use and that the third volume was never used.

Mr. FOSS. The first two volumes have been used there, and were used a long time before the Spanish war.

Mr. GROSVENOR. I understand. Now, I want to finish my remarks. Some time in the future I may get into a discussion about the battle of Santiago, but it will be when I have nothing else to do. [Laughter.] I rose, Mr. Chairman, to give the reasons why the resolution was never reported. What was there to agitate this House about after all the facts I have stated? When every fact connected with it—not only the facts that were brought out before the court of inquiry, but all the facts that were brought to the knowledge of the Navy Department by the ablest counsel that could be procured in its behalf—and after all the supplemental facts were brought to the attention of the President, and which he immediately notified the world of by publishing the testimony, why should we have agitated and disturbed the peace of this House by a resolution that could have had no effect, except as a mere bombshell in the presence of the public—"mere sound and fury"—like the "tale told by an idiot—full of sound and fury, signifying nothing." [Applause.]

Mr. GROW. I move to amend by striking out the last word.

The CHAIRMAN. That motion has been made and discussed pro and con. As the Chair stated a moment ago, all this debate for the last hour has been proceeding by unanimous consent. But it is not for the Chair to interpose any objection.

Mr. GROW. Mr. Chairman, in the few remarks I made yesterday, I did not depreciate the valor or the character of American soldiers at home or abroad. I attempted, however, in that very short speech to call to the attention of the House the rules of what is called "civilized warfare."

I remarked that there could not be war among men without more or less cruelty during war. I attempted to call attention very briefly to the condition of our citizen soldiers in the Philippine Islands. The population of the Philippine Islands consists of three classes: One, intelligent, educated, high minded, and of high aspirations; another class, not quite so well educated and with not quite so high aspirations in life; another class that belongs to the old Asiatic races that in warfare are cruel and brutal—a class that indulge in the old cruelties of warfare practiced by Asiatic races from the beginning of history.

The Army in the Philippines has had to deal mostly with this latter class. The first class has been friendly to Americans from the beginning. This third class, scattered through the islands in guerrilla bands, have made war upon their own countrymen who are in sympathy with the American people. From the cruelties and barbarities which they have committed upon their own countrymen, friends to Americans, the protection of our soldiers was needed quite as much as it was for themselves. They would have been regarded as false to humanity, false to the impulses of American citizenship everywhere, had they not protected their friends.

The military orders that gentlemen on the other side complain of as cruel have had that object in view as well as for the protection of American soldiers. It was to put an end to these barbarities—to these cruelties that belong to Asiatic warfare—perpetrated by this third class of the Philippine population. It was this class that committed the massacre at Samar of a part of the Ninth Regiment—the regiment that was one of the first to scale San Juan Hill and drive the Spanish soldiers from their intrenchments at the point of the bayonet—the great blow that ended on land the Spanish war.

Mr. Chairman, the duty of the commander of an army anywhere is to protect the lives of his soldiers. He is called upon in extreme cases to protect them against great barbarities by adopting, if necessary, great barbarities in retaliation in order to prevent or to put an end to great atrocities.

Neither the gentleman from Mississippi nor any other gentleman can point to any order or any rumor of any order ever issued in the Philippine Islands by any American officer for the murder of women and children, as told in the stories that we have heard repeated here almost every day.

Mr. WILLIAMS of Mississippi. Does not the gentleman admit that persons 10 years of age are children?

Mr. GROW. Where?

Mr. WILLIAMS of Mississippi. In the Philippine Islands, or anywhere.

Mr. GROW. If the "children" have arms in their hands and are acting as soldiers what does it matter if they are only 10 years old?

Mr. WILLIAMS of Mississippi. If my baby had a pistol in his hand would he not still be a baby?

Mr. GROW. If your baby did not kill anybody he would not be hurt. [Laughter and applause.] If a person, no matter how young in years, turns assassin and kills like men, what would you do with him? Would you go and pat him on the head and play "pussy cat" with him?

Mr. WILLIAMS of Mississippi. Will the gentleman permit one interruption?

Mr. GROW. Yes, sir.

Mr. WILLIAMS of Mississippi. I have never complained that Filipinos with guns in their hands in battle, whether they were 10-year-old boys or women, were shot. But the complaint is that an order was issued against the general Filipino population, including persons only 10 years old, whether they had guns in their hands or not.

Mr. GROW. We have no information that such order has ever been issued. You can not find it.

Mr. WILLIAMS of Mississippi. I refer the gentleman to the declaration of the counsel of General Smith.

Mr. GROW. The massacre at Samar was committed upon unarmed soldiers. They could have been taken as prisoners of war, but they were killed by men who massacre prisoners and bury people alive whom they regard as their enemies. How are you to deal with such people? How are you to deal with barbarians when they are prosecuting a warfare upon our soldiers, unless you adopt what will prevent their barbarities? [Applause.]

Mr. WHEELER. Will the gentleman yield for a question?

Mr. GROW. Yes, if it is short.

Mr. WHEELER. The gentleman asks how are we to deal with barbarians. I answer, there was a Man in the world nineteen hundred years ago—

A MEMBER. He did not live in Kentucky. [Laughter.]

Mr. GROW. Mr. Chairman, Abraham Lincoln issued an order for the Union Army that was a retaliation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

Mr. GROW. Oh, Mr. Chairman, I can not yield to the gentleman to take up my time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. GROW. Oh, I beg the gentleman's pardon. [Laughter.]

Mr. WHEELER. Now, will the gentleman permit me one question? Of course I can understand the merriment on the other side of the Chamber when reference is made to the religion of Jesus Christ—

Mr. GROW. The merriment on this side of the Chamber was at my own mistake, not at the gentleman.

Mr. WHEELER. The gentleman is too charitable. The merriment on the other side of the Chamber came from the gentlemen who think it is a matter to be laughed at on that side—

Mr. MAHON. Oh, that is the usual kind of talk we hear from that side.

Mr. GROW. Mr. Chairman, I propose to occupy only a few moments, simply to repeat the substance of my few remarks made yesterday, that in all wars there is more or less brutality, and the commanding general, for the protection of his own soldiers, must adopt retaliatory measures in extreme cases, if he can do nothing else, to save their lives. There has been no order issued for the killing of women and children in the Philippine Islands. Now, the gentleman from Mississippi says that an order to kill 10-year-old boys with arms in their hands is an order against children.

Mr. WILLIAMS of Mississippi. Oh, I never said it was an order to kill 10-year-old children with arms in their hands. It was an order to kill all above 10 years old, with or without arms.

Mr. GROW. If the gentleman will permit me to go on in my own way, I will prefer it. The facts were proven before the committee on investigation that these 10-year old boys had killed American soldiers in this massacre, and that they were found in arms in the Philippine army, and they performed the acts of full-grown soldiers, so far as killing was concerned. Then, why should not an order apply to them?

Mr. WHEELER. Will the gentleman permit an answer?

The CHAIRMAN. Will the gentleman yield?

Mr. GROW. Oh, I decline to yield.

Mr. WHEELER. Will not the gentleman be so kind as to yield for a moment?

Mr. GROW. Yes; I will yield.

Mr. WHEELER. I will ask the gentleman to explain to the House, in view of his statement, upon what the President of the United States based his order for the trial by court-martial of General Smith.

Mr. BUTLER of Pennsylvania. To ascertain the facts.

Mr. GROW. He has placed everybody charged with making improper orders on trial.

Mr. WHEELER. What improper order did General Smith make?

Mr. GROW. It is reported he made, without sufficient excuse, an order to kill everybody with arms in their hands. If there was no excuse for retaliation that order would not be proper. If there was, it is just as proper as any other order.

Mr. WHEELER. Will the gentleman be kind enough—

Mr. GROW. The gentlemen will permit me to finish. An order to prevent barbarity in extreme cases is just as proper as any order under civilized warfare. The lives of the soldiers must be protected, if possible, by his commanding officers from cruel massacre. It is the duty of the officer in charge, if necessary, to put an end to barbarities and atrocities, if necessary to do so by retaliation, recognized everywhere under the rules of civilized warfare. That is all I said yesterday, not that Americans were perpetrating willful and unnecessary brutality anywhere. In warfare it is unnecessary to burn the homes of unarmed and peaceable citizens.

Yet in our civil war they were burned on both sides, and nobody arrayed the armies for that. It is one of the incidents of warfare. You can not help it. When Sheridan went up the Shenandoah Valley and some of his soldiers were killed by shots from dwellings on the roadside, and it could not be told which it was, he ordered the inhabitants out of the houses and burned them in his rear. The soldier is under the protection of his officers, and when he is killed in a barbarous way the officer is justified in retaliating if in his judgment that is necessary for the protection of his soldiers against such assaults.

Before taking my seat I desire to express my thanks to the gentleman from Mississippi [Mr. WILLIAMS] for his complimentary and kind reference to myself. What I wish to say now in conclusion is that in the Philippine Islands American soldiers have three classes of people to deal with; different in that respect from most wars. It is, as a rule, one class of people, with one set of ideas, habits, and civilization on one side, and another with the same habits and ideas. The same general rules will then apply to both sides. But when barbarous elements, such as do not exist anywhere outside of Asiatic civilization, are to be dealt with, then orders must be made in extreme cases in retaliation for great cruelties and barbarities perpetrated upon American soldiers in order to put an end to it, if the lives of the soldiers are not to be uselessly sacrificed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROW. Now, if the House will give me two minutes and gentlemen will let me alone, I should like it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes.

Mr. GROW. For two minutes uninterrupted.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GROW. Now, in this case we have had presented to us a long account of offenses committed by American soldiers. How did you get them? The War Department took notice of all these charges against our soldiers. They have been examined by the proper authorities, and now you come in here and parade all these cases where they have been convicted for all offenses that they ought to have been convicted for. The last cases to which the gentleman from Mississippi refers are now under examination by the President of the United States. He has to decide whether the order of General Smith was justifiable under the articles of war or not. As I understand it, under the then existing circumstances, it was justified, and that is what I said yesterday. If I was the commanding general anywhere and barbarous atrocities were perpetrated upon the soldiers under my command, I would adopt a barbarism still greater, if possible, if there was no other way, in my judgment, to save the lives of my soldiers. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 8106. An act granting an increase of pension to Daniel J. Mahoney.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13359. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5356. An act to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota; and

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, I call for the reading of the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me just two minutes?

Mr. FOSS. Not now. I prefer to proceed with the reading of the bill. We shall have more debate a little later.

The CHAIRMAN. The gentleman from Illinois demands the reading of the bill. If there be no objection the informal amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to recommend a suitable site for a naval training station at some point on the shores of the Great Lakes or the waters connected therewith, and having recommended such site, if upon private lands, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action to make full and detailed report to the Secretary, who shall transmit such report, with his recommendations thereon, to Congress.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order upon this paragraph, and will suggest to the gentleman that if it meets his approval, we might pass it over and return to it. I should like to look into the matter a little.

Mr. FOSS. Very well.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to pass over the paragraph which has just been read. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I move to strike out the last word.

The CHAIRMAN. It will be necessary for the Clerk to read another paragraph in order that there may be anything to strike out. We have just passed over the last paragraph by unanimous consent. If the gentleman will wait until we have read another paragraph, then the Chair will recognize the gentleman.

Mr. WILLIAMS of Mississippi. Very well.

The Clerk read as follows:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, \$8,000; one draftsman, at \$1,200 per year; general repairs to woodwork, etc., minor alterations in quarters, and necessary renewals of furniture, \$2,600; installing lightning protection for college building, \$446.25; services of a lecturer on international law, to be immediately available, \$1,000; services of civilian lecturers rendered at the War College, to be immediately available, \$900; purchase of books of reference, \$400; in all, \$14,246.25.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

I listened with very great attention to the gentleman from Ohio [Mr. GROSVENOR] a moment ago, but I failed to note in the gentleman's remarks the slightest attention paid by him to the object of the resolutions which I read. The object of those resolutions was to investigate the conduct of Captain Crowninshield. The gentleman from Ohio said not one word about that. I said that the object of the resolution was not to continue the Schley investigation; that the American people were satisfied about that.

It remains a fact that Maclay asserted, or is alleged to have asserted, that his proofs, calling Schley a coward, a catfiff, and a liar, were submitted to a brother officer and that that brother officer read the proof, approved of it, and encouraged the publication; and it remains a fact that these resolutions were introduced for the purpose of obtaining an investigation to find out whether or not that allegation was true, and that the Committee on Rules have buried the resolution, and the gentleman from Ohio has not one word to say about it. He seems to think that the resolutions were to investigate Schley. No; the resolutions were to investigate Captain Crowninshield, and he has never been investigated yet, and the President has never said anything about investigating, but has promoted him. I want to investigate, not Schley, but Schley's detractors. Now, one word in reply to the gentleman from Pennsylvania [Mr. GROW], and then I am done, as far as I am concerned, with this discussion.

In the impartial consideration of the members of this House upon both sides, is this not a fair and full statement of what the gentleman from Pennsylvania said, and is it not a full vindication of what I asserted, to wit, did he not say that when civilized man is engaged in warfare with barbarians he ought himself to become a barbarian. Is not that what he said? Is not that all he said? That whenever you were face to face with barbarity you

were justified in resorting to barbarity? I leave that utterance of the gentleman from Pennsylvania to the sentiment, not of the Christian world alone, but to the sentiment of the civilized world everywhere, whether Christianized or not, and will rest assured of the result in the conscience of good men, gentlemen, and officers.

Mr. COCHRAN. Mr. Chairman, in my judgment the gentleman from Pennsylvania [Mr. GROW] has placed before the House and the country the whole gospel of conquest. What is the use of discussing whether we have carried on war against the Filipinos according to the rules of civilized warfare or not? Recalling the accounts of the battles in northern Luzon, when within the very shadows of Manila armed bands of insurrectos and our forces met in conflict, what did we learn from the published reports of the casualties? We learned that our forces were exterminating the natives.

The dispatches told us that a battle had been fought here or there; that so many hundred Filipinos had been killed, none wounded, and no prisoners taken, while a small number of American soldiers—sometimes one or two, never half a dozen—had been killed and wounded.

How have conquests been accomplished such as we have undertaken in the Philippines? Read the history of India prior to the Christian era, during the past four hundred years, for an answer to this question. Throughout each of a dozen invasions of that great Empire wholesale slaughter and horrible violence, creating a reign of terror, were the methods used, first by the Pagans and later by the Dutch, the Portuguese, the French, and the English in India. It is one chapter of terror in the land.

The same horrible means were employed by the Dutch in Java. For more than eight hundred years England has held Ireland by sheer violence. The same sad story records the conquest of Peru and Mexico by the Spaniards. The same appalling tragedy is being enacted in South Africa, and England justifies the horror by declaring that thus and thus only can she destroy the Boer republics. We are doing what Spain did in Cuba. Weyerism was justified by Spain on the ground that it was necessary. We can only justify the horrible means we are employing in the Philippines by declaring that it is necessary. It is the story of all conquests. We remain in this business with the understanding that when we attempt the conquest of a country with a numerous hostile population only barbarous methods will beat down opposition. If we are to remain masters of the Philippines—if the people over there are to be held as vassals—they can not be made to submit by means sanctioned by the laws of war.

What was the purpose of the order of General Smith ordering the slaughter of the people of the island of Samar? It was to create a reign of terror. It was to strike terror to the very hearts of the entire population of that unhappy island. The people were hostile to our Government. The only armed forces opposed to our troops were little bands of irregulars—guerillas—bandits, if you please. The people sympathized with these marauders—the remnant of the Philippine army. Some of our soldiers were killed by the Philippine guerrillas. To avenge their death the general in command of our forces ordered a bloody crusade against the inhabitants. While all the details are unknown, we know that the order was flagrantly at variance with the laws and usages of civilized nations. This is only the beginning. A hundred years from now the natives will be our deadly enemies and will oppose our sovereignty upon every favorable opportunity. We now hold the Philippines by force. To quiet active resistance and obtain what gentlemen would misname peace we must slaughter all who stand in our pathway—those with arms in their hands and all who may hereafter take up arms.

Since we began the war of conquest the gentlemen on the other side of the Chamber have progressed remarkably in the ways of imperialism. To-day a Congressman of the United States in attempting to justify the methods employed in the campaign in Samar begs the question by saying that if 10-year-old boys have guns in their hands an order to kill 10-year-old boys is lawful. It is nowhere pretended that General Smith ordered the slaughter of all who had guns in their hands, including 10-year-old boys. He issued an order for the indiscriminate slaughter of the population, regardless of whether they were armed or not. He did this on the assumption that the people, including 10-year-old boys, are uniformly hostile to our forces. He did it because he knew that unless prevented by a reign of terror they would upon every favorable opportunity rise in hostility against our troops and assail our forces. He did it upon the assumption that this hostility is so deep seated and determined in those people that in order to subjugate them we must make war upon even the children.

Now, let us go back a little way—a year or year and a half and two years ago—when this question was first under discussion. In reply to the charge that we were forcing American sovereignty upon the Philippines, the reply was that a majority of the Filipinos were in favor of American control of the islands. It was said that only one of the tribes was unfriendly to the United States.

Every speech made on this subject by Republicans in this House at former sessions of Congress contained the statement that only the Tagalogs, a single tribe, were opposed to the sovereignty of the United States. Now we are told that the hostility of the Filipinos is so deep seated that opposition to our rule is so irreconcilable that, in order to beat it down, it is necessary to issue an order to make war upon 10-year-old children. I grant you it is; and so it will be a century hence.

What is the first thing that is done when our forces enter a Filipino village? Do they find an armed force to contend with? No. No armed enemy confronts them. But here are some guns secreted about the village and these guns must be captured or sooner or later an armed band will be harassing our forces. The search for the guns can only be successful by employing brutal measures. The water-cure torture is resorted to to compel the natives to give up their arms. The natives are seized, interrogated, and tortured one after another until the information is obtained, and having disarmed that population our troops pass on to the next community, and the sickening performance is repeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. I should like to have about five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for five minutes more. Is there objection?

Mr. FOSS. I will have to object. I regret exceedingly to do so, but I desire to get on with the consideration of the bill.

Mr. COCHRAN. The gentleman will notice that the gentleman from Pennsylvania had his time extended three times on a request made at least once on this side.

Mr. FOSS. I think the gentleman from Mississippi had the same courtesy extended to him.

Mr. COCHRAN. It seems to me that notice ought to be given before a speaker takes the floor.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. FOSS. The gentleman will have had the last word, if he cares for that.

Mr. COCHRAN. Well, these things can be remembered by a man who has a memory.

The Clerk, proceeding with the reading of the bill, read as follows:

Naval Home, Philadelphia, Pa.: One superintendent of grounds, at \$720; 1 steward, at \$480; 1 matron, at \$360; 1 chief cook, at \$360; 1 assistant cook, at \$240; 1 assistant cook, at \$180; 1 chief laundress, at \$192; 5 laundresses, at \$168 each; 4 scrubbers, at \$168 each; 1 head waitress, at \$192; 8 waitresses, at \$168 each; 1 kitchen servant, at \$200; 8 laborers, at \$240 each; 1 stable keeper and driver, at \$360; 1 master at arms, at \$480; 2 house corporals, at \$300 each; 1 barber, at \$360; 1 carpenter, at \$845; 1 painter, at \$845; 1 engineer for elevator and machinery, \$600; 3 laborers, at \$300 each; 3 laborers, at \$300 each; total for employees, \$13,770. Miscellaneous: Water rent and lighting, \$2,100; cemetery, burial expenses, and headstones, \$350; improvement of grounds, \$780; repairs to buildings, boilers, furnaces, furniture, \$8,000; music in chapel, \$200; transportation of indigent and destitute beneficiaries to the Naval Home, \$100; support of beneficiaries, \$50,725; in all, for Naval Home, \$76,425, which sum shall be paid out of the income from the naval pension fund.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word. The orders for the destruction of property and supplies issued by the commanders of the Union forces during the civil war furnish no precedent for the brutality with which some of our commanders in the Philippines stand charged. If the charge has ever been made that either a Confederate soldier or a Union soldier, acting in obedience to orders, made an assault upon or killed an unarmed noncombatant, I have never heard of it. Individuals may have done such things, but never in obedience to a general order of a responsible commander. Harsh measures were resorted to, but to say that any order issued during the civil war could be tortured into an order for the destruction of the population of a township or a county is absolutely absurd.

Why is it Republican leaders are driven to this desperate refuge? Would they besmirch the fame of the men who led the great armies from 1861 to 1865? Is this the only way in which they can hope to clear our skirts—I say “our,” for we are all interested—of the infamy practiced in the Philippine Islands?

Lately an aggregation of representatives of all civilized nations assembled over in Holland for the purpose of promoting universal peace and settling the laws of war. It was known as The Hague conference. In that conference the very question now being dealt with by our generals in the Philippine Islands was under consideration. It was declared that where a country is invaded and the people spontaneously take up arms in its defense they are to be the judges of how long and in what manner they will oppose the invading army. They are held, of course, to the observance of the usages of civilized warfare; and this brings me to the consideration of a branch of this subject concerning which the truth of history should be stated.

It is not true that as long as the Filipinos were in the field as an organized force they were guilty of brutality to their prisoners.

All the evidence is to the contrary, both in their war with Spain and in the earlier stages of their war with us. And it is not true that that single chapter of the history of this war has been creditable to the forces of the United States. The censorship imposed by the commanding general was for the purpose of excluding from the American public the knowledge of what we have been doing over there. From the beginning cities were burned, towns were burned, villages were burned, and the destruction of property was the chief aim of our forces.

The Hague conference forbade the destruction of property of noncombatants. The Hague conference forbade the destruction of cities and farmhouses. The Hague conference laid down rules of war far more humane than were recognized by the great nations of the earth at the period of the civil war in America. Every line of every canon of the law laid down by The Hague conference has been violated by our Army in the Philippine Islands. Every law and every canon of the laws of war laid down by The Hague conference is being violated by the British army in South Africa. It is the old, old story of conquest—the old story of murder and not of war. And yet gentlemen have the audacity to stand here and say, “Why do you want to say that our soldiers would do so and so?” I say that our soldiers have done these things in obedience to the orders of men who bear commissions as generals of our forces.

I hope the time will never come when an American Representative will hesitate to characterize such sheer brutality, such licensed violence, such offenses against the laws of God and man as this atrocious order, as inhuman and offensive to every enlightened conscience on earth. I call upon gentlemen who would draw a parallel between the conduct of the war in the Philippines and our great civil war to be more specific. They say that our soldiers in the Philippines are only traveling in the path marked out by the soldiers in the war of 1861–1865. I deny it. It is false. The veterans of the great war will feel complimented when they see in the papers that the course of the Federal generals is being held out as a license for what is being done in Samar. The generals who led them will feel complimented when they hear that gentlemen on this floor have characterized their campaigns as a warrant for the Smith campaign in Samar. They will feel complimented when they learn that in order to vindicate the author of the Samar butchery you seek to besmirch the reputation of the men who, on both sides of that great contest, exhibited a degree of honor and chivalry that will forever render the generals who led and the soldiers who fought in that great struggle illustrious. [Applause on the Democratic side.]

Mr. LANDIS. Mr. Chairman, it strikes me that the soldiers for the Union in the war of 1861–1865 ought to be given an opportunity to speak for themselves. In the State of Indiana there was dedicated yesterday a monument in memory of the soldiers and sailors who lost their lives in that war—the most magnificent monument ever erected to private soldiers in all Christendom. The night before the formal dedication took place the soldiers of Indiana met and passed the following resolutions—

Mr. COCHRAN. Before the gentleman reads those resolutions, will he allow me to ask whether it is not stated in the dispatch which he is about to read that those resolutions were railroaded through over the opposition of a large number of those present?

Mr. LANDIS. No, sir. Not only is it not a fact that they were railroaded through over the heads of a majority of those who attended the convention—

Mr. COCHRAN. I did not say “a majority.” I said a “large number.”

Mr. LANDIS. Not only were they not railroaded through over the heads of a large number of those who were there, but they went through championed by one of the most distinguished Democrats of the State of Indiana. [Applause on the Republican side.]

Mr. ROBINSON of Indiana. And they were denounced by some of the best Republicans in that organization. [Applause on the Democratic side.]

Mr. LANDIS. That is all right, but the resolutions went through all the same, championed by a Democrat who was nominated two years ago by the Democratic party for Congress in the district which I have the honor to represent—nominated on a platform denouncing the war in the Philippines, when their candidate was leading a company in the Philippine Islands. Obedient to the same consistency, I would not be surprised to see the distinguished gentleman from Missouri [Mr. COCHRAN] two years hence upon a platform made up of the order alleged to have been issued by General Smith in Samar, supporting Gen. Jacob Smith for President of the United States. [Laughter and applause on the Republican side.]

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. LANDIS. I say that would be entirely consistent—

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. LANDIS. I will read these resolutions. Let the soldiers of Indiana speak for themselves:

Whereas certain citizens of the United States are now criticising the conduct of our comrades in arms who are defending the American flag and American institutions in the Philippine Islands; and

Whereas such conduct brings fresh to our memory like criticisms made by the copperheads of 1860 to 1865; and

Whereas the veterans of the war for the Union abhor and despise all citizens of the United States who refuse to support our Government during war and can not see wherein the copperheads of 1860 to 1865 are less venomous than their ancestors: Therefore, be it

Resolved, That the survivors of the war for the Union heartily approve the conduct of the United States in the war with Spain and the insurrection in the Philippine Islands, and that we hold in scorn and contempt all citizens of the United States who see fit to brand our soldiers and their conduct as cruel and inhuman.

Mr. Chairman, those are the words and those are the sentiments of the soldiers of Indiana who followed the flag and fought for the Union from 1861 to 1865. They speak for themselves. They ask no Democrat who comes from Missouri to speak for them. [Applause.]

[Here the hammer fell.]

Several members called for the regular order.

The CHAIRMAN. If there be no objection, the informal amendment will be withdrawn. The Chair hears none. The Clerk will read.

The Clerk read the next paragraph of the bill.

Mr. COCHRAN. I move to amend by striking out the last word. I was glad to see the gentleman from Indiana [Mr. LANDIS] rise in his place and with dramatic force reiterate what the soldiers of the Union did from 1861 to 1865. That has been a popular diversion on that side of the Chamber for a good many years.

Mr. FOSS. I shall have to call the gentleman from Missouri to order.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] raises the point of order that the gentleman from Missouri is not discussing the paragraph of the bill under consideration. The Chair sustains the point of order.

Mr. COCHRAN. I should like to discuss the resolution presented by the gentleman from Indiana.

The CHAIRMAN. The gentleman must confine his remarks to the paragraph of the bill under consideration. The point of order is sustained.

Mr. ROBINSON of Indiana. Mr. Chairman, I rise to present an amendment.

The CHAIRMAN. Without objection, the informal amendment of the gentleman from Missouri will be withdrawn. The gentleman from Indiana [Mr. ROBINSON] rises to present an amendment, which he will state.

Mr. ROBINSON of Indiana. My motion is to strike out the last line read by the Clerk. I ask unanimous consent to occupy three minutes in order to read the proceedings of the encampment referred to by my colleague [Mr. LANDIS] in his speech just made.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to read a certain article which he describes. Is there objection?

Mr. FOSS. I think I shall have to object.

Mr. ROBINSON of Indiana. I hope the gentleman from Illinois will withhold his objection.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. ROBINSON of Indiana. I do not rise to make a speech, but to read the proceedings of the encampment referred to by my colleague, covering about a dozen lines. I think if I am allowed to do this it will facilitate the passage of the bill and will save time. The gentleman from Illinois [Mr. Foss] has already been indulgent, but I ask this, as it is directly in response to the gentleman from Indiana [Mr. LANDIS] on the other side.

The CHAIRMAN. Does the gentleman from Illinois withdraw his objection?

Mr. FOSS. I will for three minutes, but I want to give notice from now on that I shall insist upon gentlemen speaking here in the committee to matters germane to the bill.

Mr. KEHOE. Does that apply to the gentleman's side of the Chamber as well?

Mr. ROBINSON of Indiana. Mr. Chairman, I wish to be recognized for three minutes from this time.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. ROBINSON of Indiana. Mr. Chairman, as bearing upon the questions presented and the resolution read by the gentleman from Indiana [Mr. LANDIS], and as to whether it is the sentiment of the body that acted upon it, I desire to read about twelve lines of the proceedings in the convention and bearing on its action. It may be, as the gentleman says, that Capt. D. F. Allen, of Frankfort, Ind., was an expansionist nominated on a nonexpansion platform in his district, but the result of the election showed the return of the present Representative to represent his party by a good and safe majority.

Mr. LANDIS. Does the gentleman—

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Indiana?

Mr. ROBINSON of Indiana. Not until I get through with a very brief extract from a correct statement of the proceedings of the G. A. R. convention in Indianapolis.

The CHAIRMAN. The gentleman declines to yield.

Mr. LANDIS. I wish to ask the gentleman if he denies that those resolutions were passed.

Mr. ROBINSON of Indiana. Just listen until I get through with my three-minute proceeding and the gentleman will be satisfied without asking any questions. It reads as follows:

Delegates took sides on the question vigorously. The division was not on party lines, as some of the best-known Republican veterans in the State like Smiley N. Chambers, of this city, and ex-Congressman Johnson, of Rockville, led the fight against the resolution.

Mr. Chambers again took the floor and bitterly denounced the resolution as a suicidal measure—

Mr. HEMENWAY (interrupting). Mr. Chairman—

The CHAIRMAN. Does the gentleman decline to yield?

Mr. ROBINSON of Indiana. I do for the present.

Mr. HEMENWAY. Does the gentleman decline to yield?

Mr. ROBINSON of Indiana. The gentleman heard the Chairman state that. I am speaking through the Chair.

Mr. HEMENWAY. Why does not the gentleman—

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBINSON of Indiana. I hope, Mr. Chairman, that this time taken up in interruption will not be taken from my three minutes.

The CHAIRMAN. It certainly will.

Mr. ROBINSON of Indiana. Resuming the reading of this resolution—

Mr. LANDIS. Well, read it consecutively.

Mr. BARTLETT. Mr. Chairman, I think the gentleman should be called to order.

The CHAIRMAN. The gentleman from Indiana [Mr. LANDIS] is not in order. His colleague is entitled to the floor. [Loud laughter.]

Mr. ROBINSON of Indiana. Mr. Chairman—

The CHAIRMAN. The gentleman will suspend, and it will not be taken from his time, until the committee is in order.

Mr. ROBINSON of Indiana. Now, I will get through all right.

Mr. LANDIS. But you will not read it all.

Mr. ROBINSON of Indiana. The gentleman from Indiana [Mr. LANDIS] usually observes the rulings of the Chair. We are all from Indiana, and Indians are courteous. I will continue the reading, and not trespass on the time and courtesy of the gentleman from Illinois [Mr. Foss].

destined, if not designed, to aim a serious blow at the organization. He begged that such a resolution not be passed. He said in compliance with the instructions of the encampment he had framed a resolution along the lines suggested, which he desired to read.

STOP PARLIAMENTARY PRACTICE.

Commander Garrigus and James F. Dodge, chairman of the resolutions committee, stoutly refused to allow Mr. Chambers to read this resolution, however, and the department commander ordered a vote taken on the committee resolution. Mr. Chambers resorted to a parliamentary subterfuge in the hope of saving the encampment from what he regarded as an impending peril. He offered his resolution as an amendment, and so by outwitting the department commander got to read it.

A motion was then made to table the amendment, which, in the heat of the moment, was carried. Gen. Irvin Robbins then made the point that the tabling of the amendment tabled the resolution, but although this is a recognized rule of parliamentary procedure, the department commander held otherwise and declared the original resolution carried.

Another reliable account says:

The trouble started after the resolutions committee had read the resolution which it had indorsed. The resolutions were being considered one at a time. Capt. C. J. Murphy, formerly of Evansville, but now of this city, at once took the floor to denounce the resolution, which he did in the most vigorous manner as a measure wholly unwise and wholly out of place in a Grand Army of the Republic State encampment. He said he would have no trouble in convincing those who believe that the "water cure" and other unheard-of cruelties that are reported as being practiced upon the natives of the Philippines were matters beyond the criticism of the American people, are beyond condemnation of the civilized world. Mr. Chambers followed Mr. Murphy. He protested most vigorously against the resolution and urged that it be withdrawn. He said such a measure introduced under the circumstances was an outrage upon the organization and would endanger the Grand Army. He said he would favor a resolution sustaining the Government in the prosecution of the war, if one were offered, but he would never support the measure before the house.

So this is the resolution and the record of proceedings out of which the gentleman would mold a controversy. He is entitled to all the satisfaction he can draw from it. It pictures a resolution that was deprecated and opposed, spoken against and denounced by members representing the best eloquence and the best soldier blood of the Grand Army of the Republic and of the Republican party. And I do not hesitate to say that the feelings and judgment expressed by Smiley N. Chambers and ex-Congressman Johnson, both high in the counsels and wisdom of the Republican party, are shared by the rank and file of the Grand Army of the Republic. [Applause.]

Mr. LANDIS. Mr. Chairman—

Several members on the Democratic side called for the regular order.

The CHAIRMAN. The regular order is demanded. The committee will be in order.

Mr. LANDIS. Mr. Chairman, I ask unanimous consent—

Mr. COCHRAN. I object. [Laughter on the Democratic side.]

The CHAIRMAN. The gentleman asks unanimous consent for what?

Mr. LANDIS. I ask unanimous consent for one minute to read from—

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to speak for one minute. Is there objection?

Mr. COCHRAN. I object.

The CHAIRMAN. Is there objection?

Mr. COCHRAN. I made the objection, Mr. Chairman.

The CHAIRMAN. The gentleman does not make it unless he rises in his seat.

Mr. COCHRAN (rising). I object.

The CHAIRMAN. The gentleman from Missouri objects. [Laughter.]

Mr. McDERMOTT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. McDERMOTT. Mr. Chairman, I rise to move that both sides be allowed to submit affidavits. [Prolonged laughter.]

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent to read from the Indianapolis Sentinel that the Grand Army of the Republic adopted a bitter resolution against critics of the war—

Mr. COCHRAN. I object. I object.

Mr. HEMENWAY. Like the gentleman from Indiana [Mr. ROBINSON].

Mr. COCHRAN. I object. I object.

The CHAIRMAN. The gentleman from Missouri objects. The Clerk will continue the reading of the bill.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Coal and transportation: For the purchase of coal for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, \$2,500,000.

Mr. CANNON. I move to strike out the last word in line 5, for the purpose of asking a question of the gentleman who is in charge of the bill. This item is for coal and transportation. The following words seem to be new: In line 3, after the words "for purchase of coal for steamers' and ships' use," come the new words "and other equipment purposes, including," etc.

I want to ask the gentleman if that item is for the purchase of fuel, or is it the intention of the committee, by reporting the new words, to authorize this appropriation for use in the construction of buildings or other matters than the purchase of fuel? What is the necessity for the other words "and other equipment purposes?"

Mr. FOSS. I will say to my colleague that this language was sent up by the Department, and we have really no explanation upon those words; but I take it that the words "for purchase of coal for steamers' and ships' use, and for other equipment purposes," would apply probably to the coal for the Bureau.

Mr. CANNON. If that be so, it ought not to be in; but if it is for fuel for the general purposes of the Navy and not for the construction of buildings, why, I have no objection to it. I do not know what the necessity is for it, and if the gentleman is not informed and is satisfied that it is not for the purpose that I have indicated, I have nothing further to ask.

The CHAIRMAN. Without objection, the informal amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel, for the supply of steamships of war, \$640,000; in all \$640,000.

Mr. FOSS. Mr. Chairman, I desire to strike out the words "in all, \$640,000." They are simply surplusage.

The CHAIRMAN. Is there objection to the amendment? The Chair hears none, and it is so ordered.

The amendment was agreed to.

The Clerk read as follows:

Contingent, Bureau of Equipment: For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yards; postage on letters sent abroad; ferrriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, \$85,000.

Mr. CANNON. Mr. Chairman, I desire to suggest a point of order in line 8, page 17, the words "for the Bureau."

Mr. FOSS. I have no objection to that.

Mr. CANNON. The gentleman is content that the words shall go out. I do not care about making the point of order, but I would if it was necessary.

The CHAIRMAN. Does the gentleman from Illinois move an amendment?

Mr. CANNON. No; I make the point of order, and the gentleman confesses it. I think that is the best way to put it.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the words "for the Bureau," in line 8, page 17.

Mr. CANNON. Yes.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Navy-yard, Boston, Mass.: For one superintendent of ropewalk, at \$1,875; one clerk, at \$1,400; on clerk, at \$1,300; one writer, at \$950; one writer, at \$950; in all, \$6,475.

Mr. TONGUE. Mr. Chairman, while this bill was under discussion yesterday—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TONGUE. To ask unanimous consent.

The CHAIRMAN. The gentleman will state his request.

Mr. TONGUE. While this bill was under discussion yesterday, I submitted some remarks, and at the close requested unanimous consent that they be extended in the RECORD. I was somewhat surprised at an objection coming from a gentleman who is usually the soul of courtesy. Subsequently I learned that it was owing to a transaction that took place previously, to which I was not a party. I think now the gentleman who made the objection considers it hardly fair to punish me for conduct for which I am in no wise responsible, and I therefore now renew the request that I be permitted to extend in the RECORD the remarks which I made yesterday.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that he be permitted to extend his remarks in the RECORD.

Mr. CLARK. I couple with that a request that the gentleman from Missouri [Mr. VANDIVER] be allowed to extend his remarks in the RECORD.

The CHAIRMAN. The request is modified by the gentleman from Missouri requesting that his colleague [Mr. VANDIVER] be also allowed to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance of yards and docks: For general maintenance of yards and docks, namely: For freight, transportation of materials and stores; books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards and for the Bureau of Yards and Docks; coal and other fuel, candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferrriage; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and other purposes; and for rent of wharf and storehouse at Erie, Pa., for use and accommodation of U. S. S. Michigan, \$900,000.

Mr. CANNON. Mr. Chairman, I call the attention of the gentleman from Illinois in charge of the bill to the following words in lines 21 and 22—

And for the Bureau of Yards and Docks.

The same point of order would lie there as to the words a few moments ago.

Mr. FOSS. No; that applies to furniture. It is not stationery.

Mr. CANNON. Mr. Chairman, I am making the point of order against these words. This item is for the maintenance of yards and docks. Now, I do not want to interfere with that in the slightest. For freight and so on, and for all these matters—for furniture for Government houses, offices, and navy-yards—I do not want to interfere. The words that I do want to interfere with are "and for the Bureau of Yards and Docks." Now, this Bureau of Yards and Docks makes a contingent fund in the Bureau of the Department. And it is like unto the other; and my objection to it is that the legislative bill carries it in the contingent fund for the Navy Department which is available, and this duplicates that.

Mr. FOSS. It is in our last year's bill.

Mr. CANNON. I know it was. But my friend will see at once that even if it was in the former bill it is vicious legislation that is apt to crawl in, but I apprehend that it escaped his eye.

Mr. FOSS. I will let it go out.

Mr. CANNON. The gentleman confesses the point of order.

The CHAIRMAN. The Chair did not understand what the point of order was, but on the statement of the gentleman from Illinois, the chairman of the committee, that he confesses the point of order, the Chair will sustain the point of order.

Mr. FOSS. I do not wish to confess the point of order, but if the gentleman desires to strike out those words, why, upon his statement and explanation of it, I will agree to it.

The CHAIRMAN. If the gentleman from Illinois confesses the point of order the Chair will sustain the point of order, but

the Chair was not able to catch enough of the discussion to know what the point is.

Mr. CANNON. "And for the Bureau of Yards and Docks," in lines 21 and 22. My point is that that provides a contingent fund in the Navy Department for the Bureau of Yards and Docks, whereas always heretofore, before the bills were divided, and since, where it has been challenged, the legislative bill provides a contingent fund for the Navy Department proper.

Mr. GROW. Move to strike it out. That is the quickest way.

Mr. CANNON. I will let it go out by unanimous consent if that is the easiest way, but I do not want to waive my rights on the point of order. I will let it go out by unanimous consent.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the words "and for the Bureau of Yards and Docks," in lines 21 and 22, be stricken from the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14046), and had reached no resolution thereon.

LANDS IN ALASKA.

Mr. LACEY. Mr. Speaker, I am directed by the Committee on Public Lands to ask that the document which I send to the desk be printed as a House document.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the document which the Clerk will read by its title may be printed as a House document.

The Clerk read as follows:

Swamp lands in Alaska—hearings before the Committee on Public Lands of the House of Representatives, Wednesday, February 19, 1902.

The SPEAKER. Is there objection to the request?

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from Iowa whether there is a statement accompanying the report of the committee showing how much this will cost.

Mr. LACEY. I will say to the gentleman the committee has authority to publish this without leave of the House, but by publishing it as a House document instead of a committee document it goes to the document room, where it will be for the general benefit of members and be more convenient for access than if it were published by the committee. The committee has authority to publish it, but then it will be a committee document.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the bill (H. R. 13559) making appropriations for fortifications and the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and ask for a conference.

The SPEAKER. The gentleman from Indiana, from the Committee on Appropriations, asks unanimous consent that the House disagree to the amendments of the Senate to the fortifications appropriation bill, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair appoints the following conferees: Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to have printed as a House document a letter from the Secretary of State, transmitting certain correspondence and a copy of the convention which the Government of Colombia is ready to sign with the United States respecting an isthmian canal.

The SPEAKER. The gentleman from Iowa asks unanimous consent to publish as a House document certain papers from the State Department affecting an isthmian canal. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba;

H. R. 5254. An act granting an increase of pension to Enos G. Budd;

H. R. 11850. An act granting an increase of pension to Susan A. Volkmar;

H. R. 12148. An act granting an increase of pension to Frederick O. Clark;

H. R. 11920. An act granting an increase of pension to George W. Wertz;

H. R. 5870. An act granting an increase of pension to Oscar W. Lowery;

H. R. 8007. An act granting an increase of pension to James W. Lewis;

H. R. 12145. An act granting an increase of pension to Caleb W. Story;

H. R. 12015. An act granting an increase of pension to Edgar T. Daniels;

H. R. 12239. An act granting an increase of pension to Agnes Clark;

H. R. 12855. An act granting an increase of pension to Milton Brown;

H. R. 12713. An act granting an increase of pension to Bernard McCormick;

H. R. 11051. An act granting an increase of pension to Henry E. Williams;

H. R. 11117. An act granting an increase of pension to William T. Hamilton;

H. R. 11325. An act granting an increase of pension to James Merrick;

H. R. 11662. An act granting an increase of pension to Albion P. Stiles;

H. R. 11665. An act granting an increase of pension to Caleb C. Briggs;

H. R. 11695. An act granting an increase of pension to George W. Hatton;

H. R. 11783. An act granting an increase of pension to Charles M. Montgomery;

H. R. 12899. An act granting an increase of pension to William H. Rightmire;

H. R. 13416. An act granting an increase of pension to Isabella H. Thompson;

H. R. 13439. An act granting an increase of pension to William Blanchard;

H. R. 11894. An act granting a pension to Hannah A. Timmons;

H. R. 12552. An act granting a pension to Erwin A. Burke, alias Burt A. Erwin;

H. R. 13093. An act granting a pension to Eliza A. Brownlow;

H. R. 12788. An act granting a pension to Elizabeth McDonald;

H. R. 11181. An act granting a pension to Alice D. H. Krause;

H. R. 11787. An act granting a pension to John J. Manner;

H. R. 4393. An act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, etc.;

H. R. 5096. An act to place the name of Paul Crum on the muster rolls of Company B, First Regiment North Dakota Volunteer Infantry;

H. R. 9037. An act to allow the commutation of and second homestead entries in certain cases;

H. R. 13288. An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.; and

H. R. 13076. An act to apportion the term of office of Senators at the first general election in the Territory of Hawaii.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13996. An act making appropriations for the diplomatic and consular service in the Republic of Cuba;

H. R. 13371. An act granting an increase of pension to Charles D. Palmer;

H. R. 13036. An act granting an increase of pension to John B. Greenhalgh;

H. R. 13019. An act granting an increase of pension to Marietta Elizabeth Stanton;

H. R. 12978. An act granting an increase of pension to Charles F. Smith;

H. R. 12054. An act granting a pension to Elizabeth A. Burrill;

H. R. 11170. An act granting an increase of pension to William Kunselman;

H. R. 11133. An act granting an increase of pension to James D. Lafferty;

H. R. 10821. An act granting an increase of pension to Abby T. Daniels;

H. R. 10488. An act granting an increase of pension to Kate W. Milward;

H. R. 8341. An act granting a pension to Hannah C. Chase;

H. R. 7329. An act granting an increase of pension to Edwin M. Dunning;

H. R. 7228. An act granting an increase of pension to Christian Christianson;

H. R. 6172. An act granting an increase of pension to Friedrich Weimar;

H. R. 5865. An act granting an increase of pension to John C. Campbell;

H. R. 4451. An act granting an increase of pension to George K. Thompson;

H. R. 3238. An act granting an increase of pension to Lorenzo Weeks; and

H. R. 1724. An act granting an increase of pension to Daniel F. Thompson.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5356. An act to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota—to the Committee on Indian Affairs.

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PEARRE for ten days, on account of important business.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting statement as to claims of legal representatives of W. G. Brownlow, Brownlow & Haws, and Brownlow, Haws & Co.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. A. Wood, sole heir of estate of Eliza Wood, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with draft of a bill, papers relating to the claim of Lonewolf—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9976) to encourage salmon culture in Alaska and for the protection of persons engaged in the production thereof, reported the same with amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution (H. J. Res. 143) to provide for the printing of a digest of the United States customs laws and decisions, reported the same without amendment, accompanied by a report (No. 2067); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2276) to fix the time of holding the circuit and district courts for the Southern district of West Virginia, reported the same without amendment, accompanied by a report (No. 2055); which said bill and report were referred to the House Calendar.

Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4769) to fix the fees of jurors in the United States courts, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., reported the same without amendment, accompanied by a report (No. 2059); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14051) granting to N. F. Thompson and associates the right to erect a dam and construct power station at

Muscle Shoals, Alabama, reported the same with amendments, accompanied by a report (No. 2063); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Hariman Southern Railroad Company, reported the same without amendment, accompanied by a report (No. 2064); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic, reported the same with amendments, accompanied by a report (No. 2065); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14109) to authorize the Macon Ice, Light, and Power Company to construct certain improvements on the Noxubee River, in the State of Mississippi, reported the same with amendments, accompanied by a report (No. 2068); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5218) for the relief of Sadie Thomé, reported the same without amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 6501, reported in lieu thereof the following substitute, H. R. 14471, to indemnify the American Surety Company, of New York, for moneys paid as surety under appeal bonds in suits against certain Mission Indians of California, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 2066); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4387) for making a grant of alternate sections of the public lands in the Territory of Alaska to aid in the construction of a certain railroad in said Territory, and for other purposes, reported the same adversely, accompanied by a report (No. 2057); which said bill and report were laid on the table.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3086) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., reported the same adversely, accompanied by a report (No. 2061); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6175) for the relief of the estate of Samuel Lee—Committee on Appropriations discharged, and referred to the Committee on Claims.

A bill (H. R. 14440) granting a pension to William L. Buck—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MAYNARD: A bill (H. R. 14469) to pension civil employees of the Government navy-yards when injured in the performance of duty to such an extent as to be incapacitated to earn a living—to the Committee on Reform in the Civil Service.

By Mr. DAVEY of Louisiana: A bill (H. R. 14470) for the relief of the nurses who served in the Spanish-American war—to the Committee on Pensions.

By Mr. NEEDHAM, from the Committee on Indian Affairs: A bill (H. R. 14471) to indemnify the American Surety Company, of New-York, for money paid as surety under appeal bonds in suits against certain Mission Indians of California, and for other purposes, in lieu of H. R. 6501—to the Private Calendar.

By Mr. GROSVENOR: A bill (H. R. 14488) to provide for Federal inspection and taxation of mixed goods and the proper marking of the same—to the Committee on Ways and Means.

By Mr. BARTHOLDT: A resolution (H. Res. 263) directing the Secretary of the Navy to furnish the House with copies of the complete correspondence, etc., between the Navy Department and Rear-Admiral Kempff, relating to bombardment of Taku forts in China—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 14472) granting a pension to George E. Eberhardt—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 14473) to quitclaim all interest of the United States of America in and to all of lot No. 1, in square No. 1149, in the city of Washington, D. C., to Sidney Bieber—to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 14474) for the relief of the legal representatives of Abraham Lawrence, deceased—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 14475) granting an increase of pension to David E. Lawton—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14476) granting an increase of pension to James M. Cornelison—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 14477) granting a pension to John Bruff—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14478) granting an increase of pension to Luman Fuller—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 14479) granting an increase of pension to Lewis Leavens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14480) to remove the charge of desertion against the name of George W. Smith—to the Committee on Military Affairs.

By Mr. KERN: A bill (H. R. 14481) granting an increase of pension to Joseph H. Whitehead—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 14482) granting a pension to Frances L. McArthur—to the Committee on Pensions.

By Mr. MARSHALL: A bill (H. R. 14483) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein—to the Committee on Appropriations.

By Mr. MIERS of Indiana: A bill (H. R. 14484) granting an increase of pension to Nelson Purcell—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 14485) for the relief of the estate of N. M. Buyers—to the Committee on War Claims.

Also, a bill (H. R. 14486) for the relief of the estate of Mrs. Henly Patton—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 14487) granting an increase of pension to Levi Conklin—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 14489) granting a pension to Ann M. Coady—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 14490) granting an increase of pension to Lawson P. Pearson—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 14491) for the relief of the Methodist Episcopal Church South, of Clarksville, Johnson County, Ark.—to the Committee on War Claims.

By Mr. MERCER: A bill (H. R. 14492) granting a pension to Marvin H. Thomas—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 14493) granting an increase of pension to John Alley, fifth—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14494) to remove the charge of desertion against George S. Strange—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Manufacturers' Club of

Buffalo, N. Y., to amend tariff law respecting meats—to the Committee on Ways and Means.

Also, resolutions of Auxiliary No. 28, Ladies of Union Veteran Legion, Buffalo, N. Y., favoring the passage of House bill 3037—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: Petition of O. P. Peterson and 28 others, officials and employees of the Megquier & Jones Company, of Portland, Me., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of the heirs of David Sevier, deceased, late of Sullivan County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DALZELL: Resolutions of Colonel James H. Childs Post, No. 230, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Resolutions of the National Business League, Chicago, Ill., favoring the creation of a Department of Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolutions of the National Business League of Chicago, Ill., in favor of the establishment of a Department of Commerce and Industries—to the Committee on Interstate and Foreign Commerce.

By Mr. HANBURY: Resolutions of Citizens' Union of the twentieth assembly district of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Resolutions of the Chamber of Commerce of New Haven, Conn., favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Petition of S. E. Smith and other citizens of Owensboro, Ky., favoring Senate bill 5003 and House bill 12940, designated as the inquiry commission bill—to the Committee on Labor.

By Mr. JACK: Resolutions of Post No. 500, of Delmont, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany House bill 14206, granting a pension to Mary J. Moon—to the Committee on Invalid Pensions.

By Mr. KERN: Resolutions of Centralia Turn Verein, of Centralia, Ill., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

By Mr. LANHAM: Petition of citizens of Fort Worth, Tex., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LINDSAY: Resolutions of Citizens' Union of the Twentieth assembly district of Kings County, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany House bill granting a pension to Frances L. McArthur—to the Committee on Pensions.

By Mr. MAYNARD: Petition of Iron Trade Council of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. McDERMOTT: Petition of citizens of the State of New Jersey, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

By Mr. MOON: Resolution of Post 53, Grand Army of the Republic, of Sequachee, Tenn., favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Resolutions of board of aldermen of Somerville, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill granting an increase of pension to John Alley, fifth, of Lynn, Mass.—to the Committee on Invalid Pensions.

By Mr. RYAN: Paper to accompany bill 14459, for the relief of the heirs of Hercules Webster Bauld—to the Committee on Claims.

By Mr. WM. ALDEN SMITH: Resolutions of the common council of Grand Haven, Mich., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., in relation to amendment of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SWANSON: Petition of Esom Huff, of Floyd County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Resolution of Citizens' Union of the Twentieth assembly district of Kings County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill to amend the military record of John S. Strange—to the Committee on Military Affairs.

By Mr. YOUNG: Resolutions of National Association of Manufacturers of Philadelphia, Pa., in relation to ship subsidies, isthmian canal, reciprocity, and other bills pending in Congress—to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 17, 1902.

The House met at 12 o'clock m., and was called to order by W. J. BROWNING, Chief Clerk, who read the following communication:

MAY 17, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore during this day.

D. B. HENDERSON, *Speaker*.

Thereupon Mr. DALZELL took the chair as Speaker pro tempore. The Chaplain, Rev. HENRY N. COUDEN, D. D., offered prayer. The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the naval appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

The bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

Navy-yard, New York, N. Y.: For 1 clerk, at \$1,400; 1 writer, at \$1,017.25; 1 yard pilot, \$2,000; 2 masters of tugs, at \$1,500 each; 2 writers, at \$900 each; 1 foreman laborer, at \$4.50 per diem; 1 mail messenger, at \$2 per diem, including Sundays; 2 messengers, at \$2.25 per diem each; 1 draftsman, at \$5 per diem; 1 quartermaster, at \$3 per diem; 1 superintendent of teams, or quartermaster, at \$4 per diem; 1 messenger to commandant, at \$2.25 per diem, including Sundays; 1 messenger, yards and docks, at \$2.25 per diem; 1 stenographer and typewriter, at \$3.25 per diem; 1 electrician, at \$1,400; 1 bookkeeper, or accountant, at \$1,200; in all, \$21,666.13.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 21, line 17, after the word "diem," insert "including Sundays when employed."

Mr. FOSS. Mr. Chairman, I reserve the point of order on that. I will say to the gentleman that I would like to have this matter passed over in order to give me time to investigate it.

Mr. FITZGERALD. That is satisfactory to me.

The CHAIRMAN. Without objection, this paragraph will be passed over temporarily.

There was no objection.

The Clerk read as follows:

Naval station, San Juan, Porto Rico: One clerk, \$1,200; one writer, commandant's office, \$900; one mail messenger, \$420; in all, \$2,520.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The day that the committee took up the bill I inquired of the chairman of the committee if he could give us the amount appropriated in this bill for improvements in our insular possessions. The chairman said that later on he would do so. We have passed one item relating to Cavite, in the Philippine Islands, and we are now on one for Porto Rico, and still right ahead is another for Hawaii, and still another for Cavite. I would be glad if the chairman would state how much this bill carries for our new possessions, and where the improvements are to be made.

Mr. FOSS. I will say to my friend from Tennessee that these are the only two items which we have reached—San Juan and Porto Rico, \$2,580, and also one in Cavite, a small item for \$2,460.

Mr. GAINES of Tennessee. I was looking the bill through yesterday, and I found ten or twelve items, but I did not aggregate them myself, and I thought the gentleman had the amount.

Mr. FOSS. I have not added up the amounts.

Mr. GAINES of Tennessee. Are the amounts the same that the Secretary of the Navy has recommended?

Mr. FOSS. Oh, no. We have not made any large appropri-

tions for the Philippine Islands or Porto Rico. There was an estimate that came in for the establishment of a naval station at San Juan, Porto Rico, but we cut them out. There were estimates for a naval station in the Philippine Islands, but that we cut out. The only provisions we made for foreign stations is some small appropriations for the old Spanish station at Cavite, near Manila, which we have been using, and to it have added temporary buildings, tools, machinery, and one thing and another, in order that we might be able to make repairs on our ships.

Mr. GAINES of Tennessee. Is there any provision in the bill for enlarging the residence for the Navy officers at Manila?

Mr. FOSS. Not at all; the only provision of any importance that we make is to provide for a floating dock which can be used there or at any other naval station. That is the only item of any importance whatever.

Mr. GAINES of Tennessee. The naval officers there stated to me that they were anxious to have their headquarters enlarged. I did not know but that this bill provided for it.

Mr. FOSS. I know they are very anxious about it, but the policy of the committee has been to go slow in the establishment of naval stations abroad.

Mr. GAINES of Tennessee. If the chairman aggregates the amounts that under this bill go to our colonies, I would be glad to know the sum.

Mr. FOSS. I will have the clerk figure them up.

Mr. GAINES of Tennessee. I ask not only for my own information, but for the information of the committee.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Navy-yard, New York, N. Y.: Paving and grading, to continue, \$20,000; dredging, to continue, \$25,000; coal-storage and coal-handling plant, extensions, \$100,000; railroad system, extensions, \$15,000; extending building numbered 41, \$30,000; locomotive and car shed, \$25,000; improvements to building numbered 120, \$22,000; fittings for building numbered 33, \$6,000; fittings and electric tower, building numbered 22, \$27,000; extending locomotive-crane track, \$20,000; electric plant, extensions, \$40,000; electric-light system, extensions on cob dock, \$28,000; rebuilding crane track, dry dock numbered 3, \$17,000; extending building numbered 116, \$10,000; coal pocket and machinery for construction and repair, \$6,000; electric wiring, building numbered 28, \$6,000; storehouse for naval supply fund stores, to complete, \$50,000; new roof for steam-engineering foundry, \$22,000; in all, navy-yard, New York, N. Y., \$499,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 28, line 15, after the word "dollars," insert "barracks for enlisted men to cost \$500,000, \$200,000."

Mr. FOSS. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. I think we had better dispose of the point of order now. This is simply the continuance of a public work. If a provision like this is subject to a point of order, then every similar provision in the bill will go out on a point of order. This is for the continuance of a public work of improvement at one of these navy-yards, and every improvement of any kind must be authorized in this way.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to discuss the point of order?

Mr. FOSS. I simply reserve the point of order to hear from the gentleman from New York [Mr. FITZGERALD] on the merits of the proposition.

Mr. FITZGERALD. Mr. Chairman, this amendment is offered for the purpose of carrying out the recommendation of the Secretary of the Navy. For a great number of years the enlisted men at the navy-yard at Brooklyn were housed in a receiving ship called the *Vermont*. Last summer this vessel was discontinued as a receiving ship, and in place of it the *Columbia*, which was built as a commerce destroyer, was substituted. The *Columbia* is entirely unfit for this purpose. It was built for the purpose of being used in time of war to destroy the commerce of any enemy on the high seas. It is constructed so that it may develop the highest possible speed and it has sufficient armament to overcome the trading vessel. It is so cut up with compartments and filled with machinery that it is not at all suited for the purposes of a receiving ship.

Some time in January of the present year I introduced a resolution calling upon the Secretary of the Navy for information regarding the discontinuance of the *Vermont* as a receiving ship at the Brooklyn Navy-Yard. That resolution was as follows:

Resolved, That the Secretary of the Navy be requested to transmit to the House of Representatives, if not incompatible with the public service, copies of all reports, papers, and documents relative to the discontinuance of the *Vermont* as a receiving ship at the New York Navy-Yard, and the present disposition of the said *Vermont*, together with a statement of the number of men received on the said *Vermont* for a period of five years previous to its discontinuance as a receiving ship, the average number of men housed thereon during the said period, the number of men who reported sick on said vessel during said period, with the nature of their ailments, and the number of men who died thereon during said period, with the causes of their death.